

The Congressional Digest

Volume IV

October, 1924

Number 1

Enforcing National Prohibition in the United States

EDITOR'S NOTE: In presenting the work of the Federal Government in enforcing national prohibition THE CONGRESSIONAL DIGEST has grouped the information into three parts, First: What the National Prohibition Law Requires, Second: How It Is Being Administered by the Federal Authorities, Third: Solving Enforcement Problems, Discussed Pro and Con.

The material in THE CONGRESSIONAL DIGEST is prepared by Government officials and other qualified authorities, and is offered without editorial comment. The aim of THE CONGRESSIONAL DIGEST is to furnish the reader with an individual and intelligent view of all sides of the question under consideration. This policy prevails in all numbers of THE CONGRESSIONAL DIGEST.

What the Law Requires The Eighteenth Amendment to the U. S. Constitution

*Became a Part of the Constitution January 16, 1919**

Amendment XVIII

Section 1. After one year from the ratification of this article the manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited.

Section 2. The Congress and the several States shall

have concurrent power to enforce this article by appropriate legislation.

Section 3. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of the several States, as provided in the Constitution, within seven years from the date of the submission hereof to the States by the Congress.

The National Enforcement Code Digest of the Principal Provisions of the Volstead Act and Supplementary Legislation

Digest Prepared by the Legal Division of the Anti-Saloon League of America

Definition of Intoxicating Liquors.—"The word 'liquor' or the phrase 'intoxicating liquor' shall be construed to include alcohol, brandy, whiskey, rum, gin, beer, ale, porter, and wine, and in addition thereto any spirituous, vinous, malt, or fermented liquor, liquids, and compounds, whether medicated, proprietary, patented, or not, and by whatever name called, containing one-half of 1 per centum or more of alcohol by volume which are fit for use for beverage purposes." It is further provided in Sec. 29 that "the penalties provided in this Act against the manufacture of liquor without a permit shall not apply to a person for manufacturing non-intoxicating cider and fruit juices exclusively for use in his home, but such cider and fruit juices shall not be sold or delivered except to persons having permit to manufacture vinegar."

Offenses.—The principal offenses prohibited by the National Prohibition Act are: (1) Manufacture of intoxicating liquors except by

person or firms holding "permits" from the Commissioner authorizing it for non-beverage purposes. (Secs. 3 and 6.); (2) Sale of all intoxicating liquors except by persons and firms holding "permits" from the Commissioner authorizing sales for non-beverage purposes. (Secs. 3 and 6.); (3) All transportation is forbidden except the transportation of liquors purchased upon a physician's prescription or upon a permit from the Commissioner. (Secs. 3 and 6.); (4) All importation for beverage purposes. (Sec. 3.); (5) All exportation for beverage purposes. (Sec. 3.); (6) All possession of liquors, except it is lawful to have in a bona fide home liquors purchased prior to the date the Act became effective so long as the same is not sold in violation of law. Special provision is also made for the possession of liquors in other cases for non-beverage purposes upon permit from the Commissioner, and under prescriptions from physicians. (Secs. 3, 25 and 33.); (7) All purchase of intoxicating liquors except upon physician's prescription or upon permit from the

The Eighteenth Amendment was submitted to the legislatures of the several states (there being forty-eight states) by a resolution of Congress passed on 17th day of December, 1917, at the second session of the Sixty-fifth Congress, and was ratified, according to a proclamation of the Acting Secretary of State dated January 29, 1919, by the

legislatures of forty-five states.¹

¹But see *Dillon v. Gloss*, 256 U. S., 368, in which the court said that this amendment became part of the Constitution on Jan. 16, 1919, when ratification by the states was consummated, not on date when ratification was proclaimed by the State Department.

Commissioner. (Sec. 6.); (8) All advertising of intoxicating liquors, except by holders of permits in certain instances. (Sec. 17.); It is also provided in Sec. 18: "It shall be unlawful to advertise, manufacture, sell, or possess for sale any utensil, contrivance, machine, preparation, compound, tablet, substance, formula, direction, or recipe advertised, designed, or intended for use in the unlawful manufacture of intoxicating liquor."

Penalties—The penalties provided for violation of the criminal provisions of the Act are found in Sec. 29 as follows: "Any person who manufactures or sells liquor in violation of this title shall for a first offense be fined not more than \$1,000 or imprisoned not exceeding six months, and for a second or subsequent offense shall be fined not less than \$200 nor more than \$2,000 and be imprisoned not less than one month nor more than five years. Any person violating the provisions of any permit, or who makes any false record, report, or affidavit required by this title, or violates any of the provisions of this title, for which offense a special penalty is not prescribed, shall be fined for a first offense not more than \$500; for a second offense not less than \$100 nor more than \$1,000 or be imprisoned not more than ninety days; for any subsequent offense he shall be fined not less than \$500 and be imprisoned not less than three months nor more than two years. It shall be the duty of the prosecuting officer to ascertain whether the defendant has been previously convicted and to plead the prior conviction in the affidavit, information, or indictment."

Penalty for maintaining common nuisance: (Sec. 21 of Title II of National Prohibition Act): " * * * Any person who maintains such

a common nuisance shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than \$1,000 or be imprisoned for not more than one year, or both."

Forfeiture of Contraband Liquor and Property Illegally Used—"It shall be unlawful to have or possess any liquor or property designed for the manufacture of liquor intended for use in violating this title or which has been so used, and no property rights shall exist in any such liquor or property." Sec. 26 provides for the condemnation and forfeiture of any automobiles, water or aircraft or other vehicles used in the illegal transportation of liquor, and the payment of the proceeds into the Treasury after the payment of all bona fide liens which may be proven in the proceedings for forfeiture.

Abatement of Liquor Nuisances by Injunction—"Any room, house, building, boat, vehicle, structure, or place where intoxicating liquor is manufactured, sold, kept, or bartered in violation of this title, and all intoxicating liquor and property kept and used in maintaining the same, is hereby declared to be a common nuisance. * * *"

"An action to enjoin any nuisance defined in this title may be brought in the name of the United States by the U. S. Attorney General or by any U. S. attorney or any prosecuting attorney of any State or any subdivision thereof or by the commissioner or his deputies or assistants. Such action shall be brought and tried as an action in equity and may be brought in any court having jurisdiction to hear and determine

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Decisions of U. S. Supreme Court Relative to Prohibition of Intoxicating Liquors

In General

THE Eighteenth Amendment is operative throughout the entire territorial limits of the United States, binds all legislative bodies, courts, public officers, and individuals within those limits, and of its own force invalidates every legislative act, whether by Congress, by a State legislature, or by a Territorial assembly, which authorizes or sanctions what the amendment prohibits. *Cases:* National Prohibition Cases, 253 U. S. 350; See also—*Ex parte Dillon*, 262 Fed. 563; *U. S. v. Colby*, 265 Fed. 998.

In *Ruppert v. Caffey* (251 U. S. 264) the national prohibition act, in its provision that the words "beer, wine, or other intoxicating malt or vinous liquors," in the war prohibition act shall be hereafter construed to mean any such beverages which contain one-half of one per cent or more of alcohol by volume, was held constitutional.

For a case construing the war prohibition act, see *U. S. v. Standard Brewery*, 251 U. S. 210.

In *Amos v. U. S.* (255 U. S. 313) the search for and seizure of illicit whiskey in defendant's home by revenue agents without a search warrant or warrant of arrest were held unlawful and violations of the Fourth and Fifth amendments.

The Eighteenth Amendment indicates no purpose to confiscate liquors lawfully owned when it became effective and intended for lawful use. *Case:* *Street v. Lincoln Safe Dep. Co.*, 254 U. S. 88.

Under the Volstead Act the owner of whiskey stored in a bonded warehouse cannot secure its release upon payment of the tax rate for transportation to his dwelling for consumption there as a beverage. *Case:* *Corneli v. Moore*, 257 U. S. 491, distinguishing the *Street* case, *supra*.

In *Hawes v. Georgia* (258 U. S. 1), it was held that a State law providing that a person prosecuted for permitting apparatus for distilling intoxicating liquors to be upon real estate actually occupied by him shall be *prima facie* presumed to have known of its presence, was not invalid.

Pennsylvania Brooks law, prohibiting sales without license, is not contrary to this amendment or the Volstead act. *Case:* *Vigliotti v. Pennsylvania*, 258 U. S. 403.

The transportation of intoxicating liquors across the United States from Canada to Mexico or the trans-ship-

ment of such liquor from one British ship to another while within a port of the United States is prohibited by this amendment and the legislation thereunder. *Case:* *Grogan v. Walker & Sons*, 259 U. S.

If national prohibition act, title 2, section 35, authorized the collector of internal revenue to assess on one selling liquor unlawfully the penalty therein designated as a tax without notice or hearing to the alleged offender and thereby to enforce the penalty by distraint, it denies due process of law. *Cases:* *Lipke v. Lederer*, 259 U. S.; *Regal Drug Co. v. Wardell*, 260 U. S.

A person committing an act with respect to intoxicating liquors which is denounced as a crime by both national and State sovereignties may be punished under the law of each sovereignty, and this is not contrary to the double jeopardy provision of the Fifth Amendment. *Case:* *U. S. v. Lanza*, 260 U. S.

Where the same act constitutes an offense under both the Internal Revenue Laws and National Prohibition Act the Government may prosecute under either statute, but a conviction under one act is a bar to prosecution under the other for the same offense. *Case:* *U. S. v. Stafoff*, U. S. Su. Ct., Jan. 2, 1923.

Tax penalty may be assessed and collected from persons violating National Prohibition Act. *Case:* *U. S. v. Yuginovich*, 256 U. S. 450.

The term "concurrent power" as used in the Eighteenth Amendment defined. *Case:* *Rhode Island v. Palmer*, 253 U. S. 350.

Liquor on Ships

Possession of and sale of liquor on ships of the United States¹ prohibited within the territorial waters of the United States but permitted upon the high seas. Possession and sale of liquor on foreign merchant vessels entering United States ports prohibited. *Case:* *Cunard Steamship Co. v. Mellon*, U. S. Su. Ct., April 30, 1923.²

The Supplementary Prohibition Act

The Supplementary Prohibition Act prohibiting the prescription of intoxicating malt liquors for medicinal

¹ See p. 5.

purposes held constitutional. *Case: Everard's Breweries v. Day et al.*, U. S. Su. Ct., June 9, 1924.*

The 'Reed Amendment'

Held not invalid as giving preference to ports of one State over those of another. *Case: Williams v. U. S.* 255 U. S. 336.

Ratification

Power of Congress to fix reasonable time for ratification; seven years held reasonable. *Case: Dillon v. Gloss*, 256 U. S. 368.

The action of the General Assembly of Ohio ratifying this amendment cannot be referred to the electors of the State, the provisions of the State constitution requiring such a referendum being inconsistent with the Constitution of the United States. Proposed amendments to the Constitution of the United States can be ratified only in the manner provided in Article V of the Constitution.

Case: Hawke v. Smith, 253 U. S. 221; *Rhode Island v. Palmer*, 253 U. S. 350.—See 17, p. 35.

*In accordance with this decision and the treaties for the prevention of smuggling (see p. 10), both privately owned American ships and foreign ships may sell liquors outside the three-mile limit and hold it aboard under seal within that limit. But U. S. Government owned vessels operated for the U. S. Shipping Board, under a general policy laid down by the late President Harding, carry no liquors at all except a small amount in the custody of the ship's doctors.

*Decision reviewed in June, 1923, number of THE CONGRESSIONAL DIGEST. Subsequent to this decision the U. S. State Department negotiated treaties with foreign nations (see p. 10) under the terms of which vessels of foreign registry may bring liquor into American ports, either as ship stores or cargo, provided the liquors were placed under seal at the three-mile limit. In return for this arrangement the United States was granted the right of search of foreign vessels at a point off shore one hour's sailing distance from the mainland.

*Decision reviewed in June, 1924, number of THE CONGRESSIONAL DIGEST.

*The Reed "Bone Dry" Amendment [Act of March 3, 1917, C. 162, § 5 (39 Stat. 1069).] relative to the unlawful advertising of liquors and transportation of liquors in interstate commerce.

Brief Legislative History of the National Prohibition Laws

1876—The first proposal for amendment of the Federal Constitution to prohibit the traffic in intoxicating liquors was introduced in the House of Representatives December 27, 1876, by Hon. Henry W. Blair, of New Hampshire, who made a speech in support of it. It was re-introduced by him in each succeeding Congress during his service in the House. He introduced it in the Senate in the 49th Congress and it was favorably reported to the Senate by the Committee on Education and Labor.

In the Forty-third and successive Congresses great numbers of petitions from all parts of the country poured into Congress petitioning for the national prohibition amendment—petitions secured and presented by the Woman's Christian Temperance Union, the Independent Order of Good Templars, The National Temperance Society, and other organizations. In the 46th Congress Senator Plumb, of Kansas, and Representative L. W. Ballou, of Rhode Island, introduced a prohibitory constitutional amendment similar to the State Amendment of Kansas.

The Eighteenth Amendment

1913—On December 10, 1913, a Committee of One Thousand, organized by the Anti-Saloon League of America, together with a similar committee organized by the National Woman's Christian Temperance Union, formally and officially presented to the members of Congress the proposed resolution calling for a prohibition amendment to the Constitution of the United States. This proposed measure was delivered into the hands of United States Senator Morris Sheppard for introduction into the United States Senate and Congressman Richmond P. Hobson for introduction into the national House of Representatives. The measure was introduced by Mr. Hobson in the House of Representatives on December 11, 1913, and a similar resolution was introduced in the Senate by Senator Sheppard. The measure was referred to the Judiciary Committee in the House and to the Judiciary Committee in the Senate. The House Judiciary Committee reported the measure back to the House of Representatives without recommendation, thus placing on the calendar of the national House of Representatives for the first time in the history of the nation, a resolution calling for the submission of a national

prohibition amendment to the legislatures of the several States.

1914—This bill remained on the House calendar over until the third session of the 63d Congress, which convened in December, 1914. On December 22, 1914, through the adoption of a special rule presented by the Rules Committee of the House of Representatives, the Hobson Joint Resolution came up as a special order, and after eight hours of debate, was placed on its final passage. All amendments presented in the interest of enemies of the measure were voted down by substantial majorities, a few minor amendments presented by Mr. Hobson on behalf of the friends of the measure were adopted, after which the final vote was taken, resulting in 197 votes in favor of the measure to 189 votes against it. Fifteen absentees were paired, ten in favor of the measure and five against it, while twenty-seven other members of the House did not vote. The resolution failed of passage, however, in view of the constitutional requirement of a two-thirds majority.

1915—Similar resolutions were introduced in the House of Representatives and the United States Senate during the 64th Congress, which convened in December, 1915. The resolution was presented in the Senate by Senator Morris Sheppard, of Texas, and by Senator J. H. Gallinger, of New Hampshire. In the House the resolution was introduced by Representative Edwin Y. Webb, of North Carolina, and Representative A. T. Smith, of Idaho. These resolutions were referred to the Judiciary Committees of the Senate and House of Representatives.

1916—On December 14, 1916, the House Judiciary Committee, to which the resolution had been referred for consideration, reported the measure, recommending its passage by the House. The vote in the House Committee was 12 to 7. This measure was known as H. J. Res. No. 84.

On December 21, 1916, the Judiciary Committee of the Senate by a vote of 13 to 3 favorably reported the resolution after having made some changes. The measure was known as S. J. Res. No. 55.

1917—While these joint resolutions were thus favorably recommended for passage by both the Judiciary Committee of the House and the Judiciary Committee of the

the House and Senate respectively and recommended by those committees for passage in both houses.

The resolution was adopted by the Senate on August 1, 1917, by a vote of 65 to 20, and was adopted by the House of Representatives, with slight amendments on December 17, 1917, by a vote of 282 to 128. On December 18, 1917, the Senate voted to concur in the House Amendments, and the Joint Resolution submitting to the States the national prohibition amendment was thus finally adopted.

1919—After the submission of national prohibition the states immediately began to ratify it through their legislatures. Thirty-six States had ratified by January 20, 1919, and according to the provisions of the Act, it went into effect one year from that date. All of the States but two, Connecticut and Rhode Island, have now ratified the Eighteenth Amendment.

The National Prohibition Act

Congressman Volstead introduced the National Prohibition Act in the 66th Congress. It was known as H. R. 6810.

After being favorably reported by the Judiciary Committee, the House proceeded to discuss the bill. On July 22, 1919, Mr. Igoe offered a substitute to recommit the bill to the Committee and to substitute weaker provisions. This was voted down by 218 to 83. The same day the bill was passed by Congress by a vote of 287 to 100.

The bill came back to the House for consideration on October 10, 1919, and a motion to consider it was adopted by a vote of 205 to 75. Mr. Igoe then made a motion to recommit the conference report to the Conference Committee. This was rejected by a vote of 218 to 83, and the conference report was adopted by a vote of 230 to 69.

The bill was submitted to President Wilson, who vetoed it, and the House passed the bill over the President's veto by 175 to 55.

The Senate passed the bill over the President's veto on October 28, 1919, by a vote of 65 to 20. Public Law No. 66, 66th Congress.

The Supplemental Prohibition Act

The Campbell-Willis bill (S. 2116-H. R. 7294)† to strengthen the Volstead Act was introduced in the special session of 1921 and passed on November 18, 1921. President Harding signed the bill on November 23, 1921, and it went into effect at once. Public Law No. 96, 67th Congress.

Summary of State Action on Prohibition Prior to National Law

Thirty-three states and four territories listed below adopted prohibition before the National Prohibition Amendment went into effect, twenty-five states and two territories submitted the question to a referendum vote by the people.

| | | | |
|----------------|----------------|--------------|---------------|
| Kansas* | Colorado | Michigan | Florida |
| Maine* | Oregon | Montana | Nevada |
| North Dakota | Virginia | Nebraska | Texas |
| Oklahoma | Washington | South Dakota | Wyoming |
| North Carolina | Idaho | New Mexico | Ohio |
| West Virginia | South Carolina | Utah | Kentucky |
| Arizona | | | |
| Georgia | Mississippi | Tennessee | Arkansas |
| Iowa | Indiana | Alabama | New Hampshire |

*Kansas was the first state to submit the prohibition question to a referendum in 1880. Maine was the first state to enact prohibition legislation in 1846. The question was submitted to a referendum in 1884 in Maine. The states are listed in the order in which the referendum was submitted to the voters.

†A discussion of this bill was printed in the November, 1921 number of THE CONGRESSIONAL DIGEST.

The territories of Alaska and Porto Rico adopted prohibition by referendum.

The Territory of Hawaii adopted prohibition by act of legislature, the District of Columbia by act of Congress.

Forty-six states have enacted codes to enforce national prohibition. The Mullan-Gage Law, which enacted into the New York laws substantially the provisions of the Volstead Act, was repealed by the New York Legislature in 1923, the measure to repeal being signed by the Governor June 1, 1923.

Maryland and Massachusetts have not adopted Codes to enforce national prohibition.

In 1921 the Massachusetts State Legislature passed a prohibition enforcement bill which was defeated at the polls on Nov. 7, 1922. The 1923 session again passed a prohibition enforcement bill which will be submitted to a referendum at the coming November election.

State Ratification of the Eighteenth Amendment

The following table shows the States ratifying the Eighteenth Amendment to the Constitution of the United States providing for national constitutional prohibition of the alcoholic liquor traffic, giving order, date and vote by which their respective legislatures ratified the joint resolution of Congress proposing the amendment.

The vote was taken at the regular session of the legislature unless otherwise noted.

Total: Senate vote—1310 for, to 237 against; House vote—3782 for, to 1035 against.

| STATE | SENATE | | HOUSE | |
|-------------------------|---------|----------|---------|------------|
| | 1918 | | 1918 | |
| 1. Mississippi..... | Jan. 8 | 29 to 5 | Jan. 8 | 93 to 3 |
| 2. Virginia..... | Jan. 10 | 30 to 8 | Jan. 11 | 84 to 13 |
| 3. Kentucky..... | Jan. 14 | 27 to 5 | Jan. 14 | 67 to 11 |
| 4. South Carolina..... | Jan. 18 | 34 to 6 | Jan. 23 | 66 to 28 |
| 5. North Dakota* | Jan. 25 | 43 to 2 | Jan. 24 | 96 to 10 |
| 6. Maryland..... | Feb. 13 | 18 to 7 | Feb. 8 | 58 to 36 |
| 7. Montana* | Feb. 16 | 34 to 2 | Feb. 18 | 73 to 7 |
| 8. Texas* | Feb. 28 | 15 to 7 | Mar. 1 | 73 to 36 |
| 9. Delaware* | Mar. 18 | 13 to 3 | Mar. 14 | 27 to 6 |
| 10. South Dakota*† | Mar. 19 | 43 to 0 | Mar. 20 | 86 to 0 |
| 11. Massachusetts..... | Apr. 2 | 27 to 12 | Mar. 26 | 145 to 91 |
| 12. Arizona* | May 23 | 18 to 0 | May 24 | 29 to 3 |
| 13. Georgia..... | June 26 | 35 to 2 | June 26 | 129 to 24 |
| 14. Louisiana* | Aug. 6 | 21 to 20 | Aug. 8 | 69 to 41 |
| 15. Florida..... | Nov. 27 | 25 to 2 | Nov. 27 | 61 to 3 |
| STATE | 1919 | | 1919 | |
| | | | | |
| 16. Michigan† | Jan. 2 | 30 to 0 | Jan. 2 | 88 to 3 |
| 17. Ohio..... | Jan. 7 | 20 to 12 | Jan. 7 | 85 to 29 |
| 18. Oklahoma..... | Jan. 7 | 43 to 0 | Jan. 7 | 90 to 8 |
| 19. Maine..... | Jan. 8 | 29 to 0 | Jan. 8 | 120 to 22 |
| 20. Idaho† | Jan. 8 | 38 to 0 | Jan. 7 | 62 to 0 |
| 21. West Virginia..... | Jan. 8 | 26 to 0 | Jan. 9 | 81 to 3 |
| 22. Washington† | Jan. 13 | 42 to 0 | Jan. 13 | 93 to 0 |
| 23. Tennessee..... | Jan. 8 | 28 to 2 | Jan. 13 | 82 to 2 |
| 24. California..... | Jan. 10 | 25 to 14 | Jan. 13 | 48 to 28 |
| 25. Indiana..... | Jan. 13 | 41 to 6 | Jan. 14 | 87 to 11 |
| 26. Illinois..... | Jan. 8 | 30 to 15 | Jan. 14 | 84 to 66 |
| 27. Arkansas..... | Jan. 14 | 31 to 0 | Jan. 13 | 94 to 2 |
| 28. North Carolina..... | Jan. 10 | 49 to 0 | Jan. 14 | 94 to 10 |
| 29. Alabama..... | Jan. 14 | 23 to 11 | Jan. 14 | 64 to 34 |
| 30. Kansas† | Jan. 14 | 39 to 0 | Jan. 14 | 121 to 0 |
| 31. Oregon..... | Jan. 15 | 30 to 0 | Jan. 14 | 53 to 3 |
| 32. Iowa..... | Jan. 15 | 42 to 7 | Jan. 15 | 86 to 13 |
| 33. Utah† | Jan. 15 | 16 to 0 | Jan. 14 | 43 to 0 |
| 34. Colorado..... | Jan. 15 | 34 to 1 | Jan. 15 | 60 to 2 |
| 35. New Hampshire..... | Jan. 15 | 19 to 4 | Jan. 15 | 222 to 131 |
| 36. Nebraska..... | Jan. 14 | 31 to 1 | Jan. 16 | 98 to 0 |
| 37. Missouri..... | Jan. 16 | 22 to 10 | Jan. 16 | 104 to 36 |
| 38. Wyoming† | Jan. 16 | 25 to 0 | Jan. 16 | 53 to 0 |
| 39. Wisconsin..... | Jan. 16 | 19 to 11 | Jan. 17 | 58 to 39 |
| 40. Minnesota..... | Jan. 16 | 48 to 11 | Jan. 17 | 92 to 36 |
| 41. New Mexico..... | Jan. 20 | 12 to 4 | Jan. 16 | 45 to 1 |
| 42. Nevada..... | Jan. 21 | 14 to 1 | Jan. 20 | 34 to 3 |
| 43. Vermont..... | Jan. 16 | 24 to 4 | Jan. 29 | 155 to 58 |
| 44. New York..... | Jan. 29 | 27 to 24 | Jan. 23 | 81 to 66 |
| 45. Pennsylvania..... | Feb. 25 | 29 to 16 | Feb. 4 | 110 to 93 |
| STATE | 1922 | | 1922 | |
| | | | | |
| 46. New Jersey..... | Mar. 7 | 12 to 2 | Mar. 9 | 33 to 24 |

Rhode Island and Conn. have not ratified the 18th Amendment.

†Repassed in House to correct error, January, 1923.

†Unanimous in both houses.

*Special Session of Legislature.

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How The National Prohibition Law Is Administered Explained by the Government Officials in Charge of the Work

Departments of the Federal Government Responsible for Prohibition Enforcement

THE CHIEF EXECUTIVE, Calvin Coolidge, *President of the United States.*

U. S. TREASURY DEPARTMENT, Hon. Andrew W. Mellon, *Secretary of the Treasury.*

BUREAU OF INTERNAL REVENUE, Hon. D. H. Blair, *Commissioner of Internal Revenue.*

PROHIBITION UNIT, Hon. R. A. Haynes, *Commissioner of Prohibition.*

CUSTOMS DIVISION, Hon. Ernest W. Camp, *Director of Customs.*

COAST GUARD, Rear Admiral Frederick C. Billard, *Commandant, U. S. Coast Guard.*

U. S. DEPARTMENT OF JUSTICE, Hon. Harland F. Stone, *Attorney General of the United States.*

Mrs. Mabel Walker Willebrandt, *Assistant Attorney General in Charge of Prohibition Cases.*

U. S. DEPARTMENT OF STATE, Hon. Charles E. Hughes, *Secretary of State.*

Hon. William R. Vallance, *Assistant to the Solicitor in Charge of the Work in Connection With the Treaties for the Prevention of Smuggling Intoxicating Liquors.*

The American Ideal of Self-Government

President Coolidge

Extracts from President Coolidge's Address at the Governors' Conference, at the White House, October 20, 1923.

A GOVERNMENT which does not enforce its laws is unworthy of the name of a government, and cannot expect to hold either the support of its own citizens, or the respect of the informed opinion of the world.

No provision of the Eighteenth Amendment, or the National Prohibition Act, contemplates any surrender of state responsibility. Under them prohibition becomes obligatory in all states, for the Constitution and the laws made in pursuance thereof are specifically declared by the Federal Constitution to be the supreme law of the land. They are binding upon every inhabitant. But there still remains to the states the power, specifically reserved in the Eighteenth Amendment, to pass enforcing acts, and there is still on them a joint responsibility to enact and execute enforcement laws, which may not always be exercised, but which can never be avoided.

The complementary duty to enforcement of the law is obedience to the law. That rests with the people themselves. The Eighteenth Amendment prohibits manufacture, transportation, sale, export and import. These are the commercial activities. Trade in intoxicating liquors, for beverage purposes, is especially denounced. It is in this field that most of the difficulty exists. The main problem arises from those who are bent on making money by an illegal traffic in intoxicating liquors. If this could be eliminated, the rest would be easy.

These problems must be taken directly to the American people. This Government is their Government; these laws are their laws. They have formed their Government and

enacted their laws, with all due solemnity, to promote their welfare and protect their liberties. They are not a Nation of inebriates; they are not a people who can be charged with being hypocrites. They have no patience with anarchy. They are a sober, frank and candid people. They have respect and reverence for duly constituted authority. To them the law is a rule of action. Those fundamental national characteristics are not going to be changed. Those fundamental conceptions are going to remain permanent. The great body of the people are thoroughly law abiding. This great law abiding element of the Nation is entitled to support and protection. I propose to give that support and protection to the limit, provided by the Constitution and the law of the land, against every lawless element. The Executives are required to enforce the law. The machinery for the enforcement of the law is that supplied by the acts of Congress and the acts of the State legislatures. That machinery must be used to the full extent of its capacity to secure the enforcement of the law. It is certainly my own purpose so to use it. This principle will continue to prevail, whenever the American people shall pass judgment upon it, because it is the foundation of all their institutions.

The law represents the voice of the people. Behind it, and supporting it, is a divine sanction. Enforcement of law and obedience to law, by the very nature of our institutions, are not matters of choice in this republic, but the expression of a moral requirement of living in accordance with the truth. They are clothed with a spiritual significance, in which is revealed the life or the death of the American ideal of self-government.

The Prohibition Unit—Its Organization and Functions

By R. A. Haynes

Federal Prohibition Commissioner

THE duty of the Federal Prohibition Unit, through a duly appointed Prohibition Commissioner, is to enforce the National Prohibition Act, the Harrison Narcotic Act, and the Internal Revenue laws imposing taxes

upon and controlling, for taxing purposes, intoxicating liquor and the liquor traffic.

The National Prohibition Act of October 28, 1919, primarily charges the Commissioner of Internal Revenue

with the duty of enforcing its provisions, but the Prohibition Unit, created December 22, 1919, is the subdivision of the Bureau of Internal Revenue through which the provisions of this Act are carried out.

Office of Assistant Prohibition Commissioner

On all questions of policy and administration of the Unit the Assistant Prohibition Commissioner acts as consultant to the Commissioner and in his absence assumes full charge of the Unit. All matters pertaining to personnel, space, supplies and equipment, distribution of mail, and the files are under his supervision, as well as the organization and administration of the offices of the Directors for the various States. As Chairman of the Central Committee, he gives final consideration to applications for basic permits of the more important type, such as those for dealcoholizing plants, alcohol and denatured alcohol manufacturers. This Committee also considers major problems of all kinds that arise in connection with the administration of the affairs of the Unit.

Office of Counsel

All of the law work of the Unit is conducted through the office of the Counsel. This office is composed of two branches, the Division of Interpretation and the Division of Litigation.

The Division of Interpretation, as its name implies, interprets the law. In this Division are prepared legal opinions as to the construction of statutes, regulations, legal proceedings, and practice. New regulations and the various Treasury Decisions with reference to the work of the Prohibition Unit are drafted in this Division, and correspondence carried on with other Government offices and the public, involving interpretation of law and regulations. Applications for pardon of persons convicted of violating the prohibition law are handled in this Division, as are claims for abatement and refund of amounts erroneously assessed or paid and offers in compromise of civil liabilities incurred. In addition, attorneys from this Division assist Federal Prohibition Directors, Collectors of Internal Revenue, and United States Attorneys, in court proceedings, revocation hearings, and assessment hearings.

The principal function of the Division of Litigation is to keep in close touch with all civil litigation and all criminal prosecutions arising in connection with enforcement of the National Prohibition Act. This Division also has charge of the revocation of permits, conducts or reviews all revocation hearings; prepares, in important cases, criminal informations, tentative indictments, bills for injunctions, libels, and other pleadings; prepares briefs on important law points to send to United States Attorneys and other officers interested in the litigation concerned; has charge of the seizure and disposition of contraband property; and prepares search warrants in many cases.

Office of Chief, General Prohibition Agents

This is the office that has charge of the raiding work; ferrets out the large conspiracy cases; and makes investigations of distilleries, breweries, industrial alcohol plants, and users of and dealers in industrial alcohol. The force is mobile and subject to frequent change in territorial assignment so they will not become well known in any locality and thus be better equipped to do the work required. The United States is divided into eighteen divisions, each division operates under a Divisional Chief, who is in turn responsible to the Chief, General Prohibition Agents, at Washington. This force has been most successful in cases of a national scope and those having inter-state ramifications.

This office also directs the work of a Field Supervisors' Force whose work may be compared to that of bank examiners, for they keep a check on all offices of the fifty-one Federal Prohibition Directors and eighteen Divisional Chiefs, and offer suggestions that may tend to improve the service.

Industrial Alcohol and Chemical Division

This Division supervises the legal production and distribution of all alcohol used in the United States for strictly industrial purposes. It is also charged with the safeguarding of both the alcohol in denaturing warehouses and the whiskey in concentration warehouses, the chemical analysis of all seized liquors, narcotic drugs, medicinal preparations, denatured alcohol, fermented

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The U. S. Customs Division—Its Activities in Preventing the Smuggling of Liquors

By Ernest W. Camp

Director of Customs, U. S. Treasury Department

UPON the customs service, whose principal duty is the collection of revenue, falls the additional duty of the prevention of smuggling.

Chief among the articles which may not be imported are liquors and narcotics. The extreme difficulty and hugeness of the task of preventing the smuggling of these articles can only be realized when one considers the fifty-seven hundred miles of border line and twelve thousand miles of seacoast to be guarded, and how the United States is sandwiched in between foreign territories usable as a base of supplies for the forbidden traffic and as a refuge for the traffickers.

Among the most notable achievements and aids in the fight against such smuggling are the treaties recently negotiated and in course of negotiation by this Government with certain foreign countries whereby under certain con-

ditions officers of the United States may board foreign vessels outside of its territorial waters.

Probably the most effective among the means employed by the customs service in this huge task of combating the smuggling of liquor and narcotics are the searching squads at the various ports (who sometimes discover and seize as many as a thousand bottles of liquor or five hundred pounds of opium from a single vessel), the border patrols, and the marine patrols. These patrols, whose casualties in their dangerous duty almost equal those of actual warfare, have been very successful, especially in recent campaigns, hundreds of motor cars and boats and vast amounts of liquor and narcotics having been seized in the past few months. These seized articles are subject under the law to forfeiture to the Government and sale or destruction, or in some cases to distribution to federal hospitals and other Government agencies.

The U. S. Coast Guard—Its Task In Enforcing the Eighteenth Amendment

By Rear Admiral Frederick C. Billard

Commandant, U. S. Coast Guard

THE Coast Guard is one of the oldest organizations under the Federal Government. Created under an Act of the First Congress, approved by General Washington on August 4, 1790, the Coast Guard, through its history of over a century and a quarter, has made an honorable and distinguished record of service both in peace and in war. Constituting under the law a part of the military forces of the United States, its military history is in keeping with the highest traditions of the armed forces of the nation.

When the war of the Revolution was won, the Continental Navy was disbanded and the Coast Guard formed the only defense of the young Republic afloat until a Navy was organized a few years later. The first commission issued by President Washington to any officer for service afloat was that bestowed upon Hopley Yeaton of New Hampshire as a Captain in the Coast Guard. The President was authorized by the Congress to use the cutters to defend the seacoasts and the maritime commerce of the United States.

During the difficulties with France in 1798 and 1799, the Coast Guard cutters were engaged in important naval operations against French privateers in the West Indies. A Coast Guard vessel made the first capture of the War of 1812. Vessels of the Service waged unrelenting warfare on the pirates that infested the waters of the Caribbean Sea and the Gulf of Mexico in the early part of the nineteenth century and finally succeeded in putting a stop to their piratical depredations. The Service played a prominent part in the Seminole-Indian War, the War with Mexico, in the Paraguayan Expedition and in the Civil War. During the Spanish War Coast Guard cutters formed part of the blockading fleet off Cuba; the McCULLOCH was with Admiral Dewey at the battle of Manila Bay and subsequently acted as his despatch vessel.

Under the law, the Coast Guard serves as a part of the Navy, under the direction of the Secretary of the Navy, in time of war or whenever the President shall so direct. Accordingly, when the United States entered the World War the entire Coast Guard passed into the naval establishment. Coast Guard cutters performed escort and patrol duty in the European war zone and officers and men of the Coast Guard served in almost every phase of naval activity.

The Coast Guard is by law and in fact a real part of the national defense. Maintaining a constant readiness for war, and always prepared for effective service as a part of the Navy at an hour's notice, the Coast Guard is peculiar in that, in time of peace, it is charged with a large number of important duties, most of them of an essentially humanitarian character. Its most important duty in peace is the saving of life and property at sea. As an example of the extent of its operations in this respect, during the fiscal year ended June 30, 1923, the number of lives saved or persons rescued from peril by the Coast Guard was 2,792, and the value of vessels, including their cargoes, assisted by the Service totalled \$1,436,095. At strategic points along our sea and lake coasts, Coast Guard stations are located to render aid to the mariner and shipping in distress, and vessels of the Service are constantly in readiness to proceed to sea in all weathers and under most trying conditions to aid and to succor.

The Coast Guard maintains the International Ice Patrol service in the North Atlantic to warn the great passenger liners of the presence of icebergs; its vessels seek out and tow to port or destroy floating derelicts that constitute such a

serious menace to ships at sea; it protects the seal herd in Bering Sea and carries law and order into the waters of Alaska and into the Arctic ocean; it helps to enforce the navigation laws, enforces the anchorage regulations in our large ports, and protects human life at regattas and large marine parades. The Service performs duty for practically every department of the Government in some form or another.

It may thus be seen that the Coast Guard is charged with a large number of important and difficult duties entirely apart from the enforcement of the 18th amendment. Its work in connection with those duties is constantly increasing and its resources therefor are inadequate.

Since its organization, one of the duties of the Coast Guard has been the enforcement of the customs laws—the prevention of smuggling into the United States from the sea. In the early years of the Republic there was much of this smuggling and the cutters were actively engaged in apprehending fast sailing craft that stole into unfrequented bays and inlets in an effort to land contraband cargo. Due to the activities of the cutters and the change in commercial conditions, smuggling of that character practically disappeared and smuggling vessels on our coasts were rare indeed.

The 18th amendment prohibits the importation of liquor into the United States. For the purpose of illegally introducing liquor into this country smuggling has revived to an enormous extent. The Coast Guard is fully apprised of the existing conditions that must be frankly faced in order that they may be overcome. There are large fleets of foreign liquor ships off our coasts for the express purpose of violating the laws of the United States. A large fleet lies off New York, another off Montauk Point, Long Island, and another off the Massachusetts Coast. Rum ships are constantly being reported off various parts of the Atlantic coast, the Gulf coast and the Pacific coast.

These liquor vessels lie at anchor for weeks at a time outside the territorial jurisdiction of the United States, where they can not be boarded, and are visited nightly by innumerable fast motor boats that transport the liquor ashore and land it in the countless harbors, bays, inlets and rivers that line our 10,000 miles of coast line. The difficulties encountered in stopping this traffic are enormous. The rum-running launches are small and fast. They run at night and without lights. Equipped with the finest engines, they have the opportunity to overhaul thoroughly their engines between trips, and to dash to and from the rum fleet in the darkness at high speed. It is entirely possible for one of these launches to run alongside a liquor ship: on a dark night, take on a cargo and dash away into the darkness without being seen by a Coast Guard ship that may be lying in wait only a few hundred yards away. One of these liquor fleets may be anchored in an area extending for twenty miles. The movements of the cutter on patrol are observed and when she is at one end of the fleet, the launches dash out from shore and make contact with a ship at the other end. When the cutter chases the rum launch, it is a simple thing for the launch to throw her liquor overboard. Then, when apprehended, she has no contraband on board and must be let go and can promptly proceed to make another attempt.

When the 18th amendment was enacted, it became the duty of the Coast Guard to combat this particular illegal importation (of liquor) into the United States, and it un-

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The U. S. Department of State—Its Part in Making National Prohibition Laws Effective

By William R. Vallance

Assistant to Solicitor in Charge of Work in Connection With Treaties for Prevention of Smuggling Intoxicating Liquors

IN AN address before the meeting of the Council on Foreign Relations at New York on January 23, 1924, the Honorable Charles E. Hughes, Secretary of State, made the following statement:

"Foreign nations are naturally tenacious of their rights upon the high seas, and, on the other hand, our Government cannot look with indifference upon the attempts of hovering vessels, claiming protection of foreign flags, illicitly to introduce their cargoes of liquors into the commerce of the United States. This Government must use every proper means to put a stop to this illegal traffic. It should be remembered, however, that authority with respect to the high seas cannot be effectively conferred by acts of Congress if these are in contravention of international law, even though such legislative acts as municipal law would govern the decisions of our own courts."

In order to make the National Prohibition Laws more effective the Secretary of State signed treaties with foreign governments for the prevention of smuggling of intoxicating liquors. These treaties were transmitted to the Senate of the United States for its advice and consent to ratification. The first treaty of this nature was concluded between the United States and Great Britain on January 23, 1924, and the Senate advised and consented to its ratification on March 13, 1924, by a vote of 61 to 7. Ratifications were exchanged at Washington on May 22, 1924, and the treaty was proclaimed by the President on the same day.

While upholding the principle that 3 marine miles extending from the coast line outwards and measured from low-water mark constitute the proper limits of territorial water, the treaty concluded between the United States and Great Britain provides that

"His Britannic Majesty agrees that he will raise no objection to the boarding of private vessels under the British flag outside the limits of territorial waters by the authorities of the United States, its territories or possessions in order that enquiries may be addressed to those on board and an examination be made of the ship's papers for the purpose of ascertaining whether the vessel or those on board are endeavoring to import or have imported alcoholic beverages into the United States, its territories or possessions in violation of the laws there in force. When such enquiries and examination show a reasonable ground for suspicion, a search of the vessel may be instituted."

It further provides that

"If there is reasonable cause for belief that the vessel has committed or is committing or attempting to commit an offense against the laws of the United States, its territories or possessions prohibiting the importation of alcoholic beverages, the vessel may be seized and taken into a port of the United States, its territories or possessions for adjudication in accordance with such laws."

It is expressly provided, however, that the rights conferred by this treaty

"... shall not be exercised at a greater distance from the coast of the United States, its territories or possessions, than can be traversed in one hour by the vessel suspected of endeavoring to commit the offense. In cases, however, in which the liquor is intended to be conveyed to the United States, its territories or possessions, by a vessel other than the one boarded and searched, it shall be the speed of such other vessel and not the speed of the vessel boarded, which shall determine the distance from the coast at which the right under this article can be exercised."

In exchange for this right it is provided that

"... no penalty or forfeiture under the laws of the United States shall be applicable or attach to alcoholic liquors or to vessels or persons by reason of the carriage of such liquors, when such liquors are listed as sea stores or cargo destined for a port foreign to the United States, its territories or possessions, on board British vessels voyaging to or from ports of the United States, or its territories or possessions, or passing through the territorial waters thereof, and such carriage shall be as now provided by law with respect to the transit of such liquors through the Panama Canal, provided that such liquors shall be kept under seal continuously while the vessel on which they are carried remains within said territorial waters and that no part of such liquors shall at any time or place be unladen within the United States, its territories or possessions."

Following is the list of treaties concluded between the United States and foreign countries for the prevention of the smuggling of intoxicating liquors. These treaties fall into two classes, namely (1), those which have been proclaimed; and (2), those which have been signed and no further action taken with respect thereto:

CLASS I.

| Country | Signed 1924 | Senate Consent 1924 | Proclaimed 1924 |
|--------------|----------------|------------------------|--------------------|
| Gr't Britain | Jan. 23 | Mar. 13 | May 22 |
| Norway | May 24 | May 31 | July 2 |
| Germany | May 19 | May 26 | Aug. 11 |
| Sweden | May 22 | May 26 | Aug. 18 |
| Denmark | May 29 | June 3 | July 25 |
| Italy | June 3 | June 4 | Oct. 22 |

CLASS II.

| | 1924 |
|-------------|---------|
| Panama | June 6 |
| Netherlands | June 30 |
| France | Aug. 21 |

On June 6, 1924, the Department of State announced that a convention was signed on that date by the United States and Canada for the suppression of smuggling operations across the international boundary, the prosecution of persons violating the narcotic laws of either government, and for kindred purposes. It provided that each government should furnish information, upon request, to the appropriate officers of the other, concerning clearances of vessels or the transportation of cargoes, shipments or loads of articles across the international boundary when the importation of the articles transported by land is subject to the payment of duties; also information respecting clearances of vessels to any ports when there is ground to suspect that the owners or persons in possession of the cargo intend to smuggle it into American or Canadian territory. Clearances are to be denied to vessels carrying cargo consisting of articles, the importation of which is forbidden by either country, when it is evident from tonnage, size or general character of the vessel, or the length of the voyage or certain other conditions that the vessel will be unable to carry the cargo to the destination proposed in the application for clearance.

It was further provided that no penalty or forfeiture under the laws of the United States should be applicable or attach to alcoholic liquors or vessels, vehicles or persons by reason of the carriage in transit under Canadian guard through the territorial waters of the United States to Skagway, Alaska, and thence by the shortest route, upwards of twenty miles, to Canadian territory. Such transit is to be as now provided by law with respect to alcoholic liquors through the Panama Canal or on the Panama Railroad, provided such liquors shall be kept under seal continuously while they are carried within American territory and that no part of such liquors shall be at any time unladen therein.

This convention was transmitted to the Senate of the United States on June 6, 1924, but owing to the adjournment of Congress on that date the Senate has not advised and consented to its ratification.

Agencies of the Department of State obtain information regarding the clearance and movements of vessels suspected of engaging in the smuggling of intoxicating

liquors into the United States. The information obtained in this manner often proves to be of importance in the enforcement of the National Prohibition Laws.

Protests from foreign governments regarding the seizure of vessels registered under the laws of these countries are received by the Department of State and transmitted

to the appropriate authorities of this Government for their consideration. Also, the Department of State informs the foreign governments, through their ambassadors or ministers in Washington, regarding any action which the appropriate authorities take concerning the ships that have been seized.

The U. S. Department of Justice—Its Work in Prosecuting Prohibition Cases

By Mabel Walker Willebrandt

Assistant Attorney General in Charge of Prosecution of Prohibition Cases, U. S. Department of Justice

CONGRESS has designated the Attorney General of the United States as the government officer ultimately responsible for prosecution of prohibition violations. It has meant a tremendous increase in the work of the Department of Justice, since approximately 50 per cent of the cases now handled are violations of the Prohibition laws.

The work of prosecuting prohibition cases falls under the supervision of one assistant attorney general. All branches of the Federal Government, which detect violations of the prohibition laws, or the laws against smuggling of liquor, present their evidence to this section of the Department of Justice for prosecution in court.

The National Prohibition Act places the primary burden of gathering evidence against violators of the act, upon the Internal Revenue Bureau, in which bureau is the Federal Prohibition Unit. When agents of the prohibition unit make an arrest for violation of the law, they turn over their evidence to the United States Attorney whose office is in the district in which the alleged crime was committed. This federal attorney then presents the case in court and seeks conviction.

When arrests are made by the United States Coast Guard, the Customs officers, or any officer charged with the duty of enforcing Federal statutes, for alleged violation of the prohibition laws, they present their evidence to the Department of Justice in the same way as the prohibition unit does. It is not generally realized that every arm of the government that has to do with enforcing laws, is cooperating in bringing prohibition violators to justice. For instance, agents of the Department of Labor, who guard the borders against smuggling of immigrants, often detect smuggling of liquor, and make reports to the nearest United States Attorney, or federal prohibition officer.

In many instances, cases are reported by prohibition agents or other officers of the government that never reach the prosecution stage, either because of insufficient evidence or on account of some defect in the method used for obtaining the same. The United States attorney is vested with discretion in that event to determine whether or not a case warrants presentation to a grand jury, but is answerable to the Attorney General for any dereliction in that respect.

It frequently becomes necessary or advisable for a United States attorney to dismiss a prosecution in its early stages. Occasions for such dismissals arise from a score of causes. The court may rule that a search warrant, used to obtain evidence upon which the case is based, is defective, a material witness may have disappeared; the officer who made the case may have been discredited; the violator may have been adequately punished for the same offense in a State court; or the defend-

and may have fled the country and all efforts to locate him over a long period of time proved futile.

Any one of the above reasons will warrant dismissal. The Attorney General, acting through his Assistant Attorney General in charge of liquor prosecutions, exercises close supervision with respect to disposition of prosecutions in the above manner. United States attorneys are required to submit each individual case to the Department of Justice, with a detailed account of the facts therein and the reasons warranting a dismissal of the case. If, in the opinion of the department, the facts warrant, the United States attorney is given authority to move the court for an order of *nolle prosequi* or dismissal.

The work of enjoining liquor nuisances under the Volstead Act has been increasing in recent months, because it is found that to "padlock" a place to prevent it from being used to break the law, is an effective weapon for law enforcement. Actions to effect this purpose are not of a criminal nature and must be brought in the equity division of the federal court.

Civil suits for penalties due the government upon bonds posted for faithful compliance with the terms of a liquor permit, for taxes due for the manufacture of liquor, and for the forfeiture of vehicles seized for unlawful transportation must all be brought under direction of the Attorney General.

Although the prohibition unit in the Internal Revenue Bureau is responsible for gathering the bulk of evidence against liquor violators, occasionally the Department of Justice, under certain circumstances, takes over the investigation of important cases and does the work of gathering evidence and making arrests, as well as later taking care of prosecutions in court. There are times when it is better for operatives of the Department of Justice, rather than prohibition agents, to investigate cases. Notable instances of this sort are the so-called "Big Four" prosecutions at Savannah, Ga., the Hamtrank Brewery Company at Hamtrank, Mich., and the Guckenheimer Distillery at Freeport, Pa.

Upon the Assistant Attorney General in charge of prosecuting liquor cases, falls the duty of handling all cases of introducing liquor into Indian country and sale of liquor to Indians; all matters pertaining to importation, exportation, transportation, manufacture and traffic in liquor and other liquor statutes, such as proceedings against breweries for illegal manufacture of beer, and disposition of liquor, cars, stills and other seized property; customs and admiralty statutes as applied to liquor.

The Assistant Attorney General in charge of liquor cases also has charge of prosecuting violators of the tax laws, such as income tax, estate tax, tax on admission and dues, and excise taxes, and has general supervision of federal penitentiaries and the inspection of prisons and prisoners.

An Analysis of Present Problems of Prohibition Enforcement

By R. A. Haynes

Federal Prohibition Commissioner

THE diversion of industrial alcohol has constituted one of the most serious problems of prohibition enforcement. The closing of the avenues of access to large quantities of bonded whiskey, which is due to more strict withdrawal procedures imposed within the past three years, and the general substitution of the use of denatured alcohol for pure alcohol, has created an incentive to illicit manipulation of denatured alcohol.

There are two classes of denatured alcohol. The first, known as completely denatured, is prepared according to a limited number of fixed formulae, and all products produced by these formulae are injurious to the human system. The formulae call for the addition to grain alcohol of poisons, such as wood alcohol, isopropyl alcohol, benzol, ether, etc., the product being used commercially in alcohol lamps, toy engines and various heating and lighting devices, and in the manufacture of formaldehyde and various dyes. The second class, known as specially denatured, is not so thoroughly denatured, but the formulae are so constituted as to prevent the use of the product internally, although it is used in manufacture of toilet preparations, rubbing compounds, and many industrial products. Bootleggers often attempt to redistill, rectify and recover some of the classes of denatured alcohol and although it is impossible to eliminate their poisonous constituents entirely, this resultant product is diluted, flavored and colored, bottled in containers bearing fake caps, labels and stamps, and sold as well known brands. The majority of the cases of instant death from drinking are caused by imbibing this class of concoction, as wood alcohol, one of the principal denaturants, is impossible of elimination from any other alcoholic mixture by distilling, precipitating or any other manipulative process which a bootlegger employs.

There has been an increase in authorizations for the use of specially denatured alcohol in permitted processes and products, due to the general business revival since 1921 which has greatly increased the volume of industries in which alcohol and its products are used. There has also been a broadening in this field of use by reason of the development of new industries since the war to furnish products formerly imported from foreign countries. Last fiscal year 119,948,406 proof gallons of alcohol were denatured under permit for use in the United States. However, it is estimated that less than 10 per cent of the entire production is involved in illegal transactions, and a substantial quantity of this is later seized and destroyed.

Many ruses are adopted by permittees diverting alcohol to cover up their failure to properly account for alcohol withdrawn. In one case recently, the permittee reported a storeroom robbery, so that when inspected by federal agents it was not difficult to explain the discrepancy between the amount of alcohol withdrawn and the amount on hand.

The Government of the United States at the present time has the most advanced system of industrial alcohol denaturation and distribution of any country in the world. Canada, which is the only country that has faced conditions affecting industrial alcohol in any degree approaching those being faced in the United States, has, through its Excise and Customs Commission, conferred with the

Department from time to time on the best way of handling these situations as experience developed them. In the administration of the National Prohibition Act the necessary industries of the country have been fostered, with an increasingly effective control against diversion and manipulation.

The problem of controlling the withdrawal of liquor for medicinal purposes and the prevention of its diversion to beverage uses is being solved by the institution of the permit system providing for the distribution and supervision of medicinal and industrial spirits and medicinal and sacramental wine. A great deal of care and attention has been given to devising withdrawal permits and physicians' prescription blanks, resulting in a specially designed form, made from engraved plates on water-marked paper, which, according to the best information obtainable, is more difficult to counterfeit than money. In addition, a safety check writer has been furnished the Federal Prohibition Director in each State by which he imprints on each permit the kind and quantity of liquor covered thereby, and an additional copy of each permit to purchase is forwarded to the office of the Federal Prohibition Commissioner, which acts as a prompt and complete check on permits issued by Directors.

The average annual consumption of whiskey during the ten years prior to prohibition was approximately 130,000,000 gallons. During the past fiscal year the withdrawal of whiskey for taxpayment and consumption amounted to 1,813,295 gallons, the major part of which was dispensed by druggists on physicians' prescriptions. This is a reduction of about 7,000,000 gallons from that in 1921, the first fiscal dry year, and is only a little more than one per cent of the amount consumed prior to prohibition.

Until recently, much of the liquor shipped from distillery warehouses was transported by truck, resulting in a great loss of liquor enroute by pilfering and by deliberate misrouting on the part of the permittee. Now, freight and express shipments must be made in all cases of long hauls, which has resulted in a very marked decrease in loss in transit.

One of the most effective measures adopted for controlling sales of liquor and preventing the forcing of business in liquors by permit holders, was the adoption of a rule to the effect that wholesale druggists are permitted to procure and sell potable spirits not to exceed an amount equal to ten per cent of their wholesale drug business during the preceding year. While there has been some opposition to this limitation, the majority of the wholesale druggists agree that it is a necessary and salutary measure.

Some of the important problems of enforcement which have been largely met and overcome during the past two years are those concerned with the exportation of whiskey and the importation of wines. A Board of five officers of the Unit pass upon each exportation and importation application. Since the creation of this Board, in April, 1923, applications have been considered for the exportation of about 4,400,000 gallons of whiskey, of which only about four per cent were approved, and none of the whiskey shipped to Canada. Applications for the importation of

wine in the amount of 583,246 gallons have been considered since the above date, only about 19 per cent of which were approved. All approved applications were for medicinal or manufacturing purposes.

Another difficult situation was the control of the distribution of wine in this country. Very large quantities of wine were being made into medicinal preparations, which were being used to a large extent for beverage purposes. After exhaustive examination and experimentation, new rules were adopted requiring medication to an extent which now renders such medicinal wines unfit for beverage use. The result has been a great reduction in the quantities of wines so used, and more than half the quantity withdrawn has been used for sacramental purposes.

A firm grip is being taken on the smuggling problem through the augmentation of the Coast Guard and little good liquor is entering our shores.

Prior to Prohibition, there were about 1,300 breweries making between one and a half and two billion gallons of beer every year. At the present time, there are only about 485 dealcoholizing plants, where beer is made and the alcoholic content reduced to not more than one-half of one per cent. The annual production of these plants approximates 160,000,000 gallons of cereal beverages.

The tremendous task of curbing the illegal activities of breweries is rendered difficult by the perfecting of huge organizations whose sole purpose is the handling of the illicit product. These corporations buy the interests of the breweries found violating the law and whose permits have been revoked, and begin operating immediately without procuring permits, defeating all laws and regulations governing the manufacture of cereal beverages. The Government has found it to be a gigantic task to unravel the many ramifications of these cases, and encounter all the more difficulties in view of such huge organizations, the interlocking of same, and the shrewd methods employed to prevent detection of violations. While in some cases, an inspection by agents will reveal no illegal operations on the part of a suspected brewery, yet it is known that the brewery is releasing high-powered beer. In such cases, evidence of violation can often be secured by procuring samples of the beer as it leaves the brewery. However, the breweries protect their premises from invasion by Prohibition Agents, by building high board fences with all cracks and knot holes closed and strands of barbed wire circling the top, and maintain a motorcycle patrol of the premises for a radius of ten miles. In order to combat this situation, every effort has been made to systematically investigate the breweries with the purpose of procuring sufficient evidence to institute drastic action, such as injunction, or seizure of property and destruction of machinery and materials.

There is also the problem of dealing with the persistent violator. The institution of injunction suits to "padlock" places where the National Prohibition Act is being violated, is proving very effective. Such cases are now being filed in both State and Federal Courts. An injunction may be had on either the person or the property. After a permanent injunction has been granted, it lies within the discretion of the Court to decide whether the property shall be actually "padlocked," or the proprietor permitted to operate under bond. There are one or two tremendous advantages of this system over the old-fashioned criminal procedure. In the first place, it is a matter of affidavits and not juries. It takes only half an hour to convince a judge of the innocence or guilt of a violator, but it might take a jury and all the delays of a

jury trial, months for a similar decision. Secondly, in most cases, injunctions are directed against property and not proprietors, although a recent decision of a New York judge restrains defendants from selling liquor in any part of that district. Under the old method, the violation might continue while the owner of the place was serving his jail sentence. Now, if the place is reopened during the period within which it is under "padlock," the persons responsible are automatically guilty of contempt of court and may be sentenced to prison without the formality of a jury trial. In some instances, such as in the case of hotels, only certain rooms of a building are closed. The possibilities of the injunction suits have only recently been seen and this method is now used in every State and territory. Particular attention has been devoted to the procurement of injunctions in brewery cases and one has been secured against a sacramental wine dealer.

In many sections of the country, the penalties imposed upon violators are not severe enough to discourage bootleggers and rum-runners. Nominal fines are simply an extra legal form of license that is cheaper than the old saloon license. Because of the heavier sentences attached, the conspiracy section of the United States Criminal Code is used in prosecuting violators wherever possible. Due to inter-state ramifications, many such cases are much more difficult to develop, a year or more being required in some instances to gather the evidence and prepare the case in such form as to insure conviction. A very large percentage of such cases which have been instituted have resulted in conviction, at least of the main defendants. The heaviest penalty ever imposed in a Federal Court for violation of the prohibition laws was secured under this section, being a fine of \$21,000 and a prison sentence of 21 years.

One of the chief present difficulties may be termed sectional, where there is adverse public opinion to be combatted, and is to be found mainly on the Eastern seaboard, although there are certain cities where local conditions also make the problem quite difficult.

A very earnest effort is being put forth to properly coordinate the Federal forces with those of the State and local officials, under the concurrent section of the Eighteenth Amendment. It was not contemplated by the framers of the Act that the smaller violations should be handled by the Federal Government, but only the larger conspiracy matters and control at the source, should be the responsibility of the Federal machinery. In fact, the Federal organization is only a skeleton organization around which it is intended that the local and State agencies shall crystallize their activities. Every city, every county, every State, has initial responsibility before the Federal machinery should be expected to take charge. Federal officers of necessity operate over large areas and the major problems will be interfered with in proportion as the local officials load onto the Federal Government the things that they themselves should do. These officials are rapidly falling into line and are becoming active in their efforts to cooperate with the Federal officials, which will permit the State laws to be used in all possible cases, particularly against the small violator, rum-runner, bootlegger, and even in cases against violating cereal beverage manufacturers. In many States, the State laws are not only more effective, but there are a great many more courts and speedier methods of trial provided, as well as heavier penalty possibilities.

Federal Agents keep a constant check on all permittees, and supervise the operation of dealcoholizing plants and industrial alcohol plants. During the last fiscal year there

were approximately 119,000 permit holders in the United States, and approximately 483 dealcoholizing plants and 70 industrial alcohol plants in operation. In addition to this inspection work, during the last fiscal year, this force of approximately 1,600 agents captured more than 159,000 stills and parts of stills, seized nearly 16,000,000 gallons of distilled spirits, malt liquors, mash, wines, etc., 5,214 automobiles and 236 boats and launches, and made 68,161 arrests. There were instituted over 54,000 criminal cases in Federal Courts alone, of which more than 48,000 have been terminated, resulting in over 37,500 convictions. Fines of more than \$7,500,000 have been imposed, of which sum, \$5,682,719.87 has already been

collected and turned into United States Treasury. Violators have been sentenced to serve over 3,187 years.

The particular task of Prohibition Law enforcement is one of the great problems with which this Government is dealing. However, notwithstanding all difficulties that have been presented, and will be presented from time to time, they are but incidents in the larger progress of the work. Much has been accomplished—much remains to be accomplished. As a Nation we have been dealing with this problem for less than five short years, whereas the legalized liquor industry flourished for the preceding 143 years.

Problems To Be Solved in Establishing 100% Enforcement

By Mabel Walker Willebrandt

Assistant Attorney General in Charge of Prosecution of Prohibition Cases, U. S. Department of Justice

WHILE prohibition enforcement in the United States is steadily becoming more effective, as evidenced by official records, there are still many problems to overcome before it may be truly claimed that prohibition is 100 per cent effective. It is gratifying to note the progress that has been made, when one considers the magnitude of the task of establishing efficient machinery for curbing the outlawed liquor traffic.

I believe prohibition is here to stay, and I believe it is too late to debate the wisdom of the Eighteenth Amendment to the Constitution. Prohibition was not adopted after an over-night consideration; the movement for abolishing the liquor traffic began many years ago. Before the amendment was adopted, only 305 out of the 2,540 counties in the United States had not declared themselves to some extent dry. A law that has such a basis of local sentiment is built upon a rock and will endure. It is the edict of the American monarch,—the conscience of the majority.

Therefore, it would seem better to consider how best to enforce this national policy; how best to stamp out bootleggers who are taking advantage of the screen raised by a noisy minority to amass fortunes and cause disrespect for law and order. It is significant that approximately 80 per cent of the serious violators of the prohibition laws are foreigners. Here, then, is a problem.

Some well-meaning citizens would have every foreigner convicted of violating the prohibition laws sent back to the land from whence he came. It is apparent that there is a great field here for civic societies, who specialize in Americanizing immigrants.

I was impressed by a cartoon that appeared recently in a leading newspaper. It depicted the criminal sitting at ease with his long cigar, reviewing his staff of henchmen, who are always working for him. They stand at salute, a gala row. There is "Delay," and beside him is "Miss Sentimentalism." Then comes the "Professional Bondsman," the "Crooked Lawyer" and "Old Man Pull." Finally, and father to them all, is "Public Indifference."

Past that phalanx of defenders can the arm of justice reach the criminal? Swiftly it will as "Old Public Indifference" awakens to the menace. Delay is largely caused by too great congestion in the federal courts and can be helped by local authorities taking over the prosecution of cases that are local in character. Leave to the federal authorities the cases of interstate ramifications,

and make the federal authorities fully responsible for checking the flow of liquor at the source.

I do not mean that the Federal Government should ever refuse to cooperate with a State or locality in cleaning up a corrupt condition, if the locality appeals for aid. In fact, I view it as the obvious duty of the Federal Government under the concurrent responsibilities of the Eighteenth Amendment to cooperate in such cases. And by the same token the States are equally responsible for enforcing the amendment in their respective jurisdictions.

Another obstacle to more effective enforcement of prohibition laws is politics. I hope that Congress will soon pass a law, placing all prohibition enforcement officers under civil service rules. I am convinced that the most popular announcement that could be made by politicians of either party would be that political patronage will not be considered in prohibition appointments.

The requests of Republican or Democratic national or State committeemen, Senators or Congressmen for the appointment of law enforcement officers should have no greater weight than any other recommendation. Neither should requests from the same quarter to make or let up on certain cases have a bearing on the attitude of the enforcement officials. "No politics in prohibition" would be the "best politics" for either party.

There are always plenty of people to criticize the government officials for their work, but in the case of prohibition enforcement, I believe it would be most helpful if would-be critics would first consider the problem confronting the authorities and then advance only constructive criticism. In other words, uphold the arm of the law and not try to break down enforcement of the Constitution through ridicule or misrepresentation. It has been no easy task organizing the force of prohibition agents to stamp out illicit liquor trading.

The National Prohibition Act carries hopelessly inadequate penalties for its commercial violations. A bootlegger can make thousands, yes, millions of dollars in the unlawful sale of liquor, and if we charge him under the Volstead Act all the punishment the judge can impose is a fine of \$1,000 and six months in jail.

Almost every State in the Union has a prohibition law today and cases that deserve no greater penalties than that should be handled in the State, county and police courts. Of course, where no State law is available the Federal Government will have to get along as best it can until public opinion forces the legislative bodies in

such States to do their share under the concurrent clause of the Eighteenth Amendment.

For the concurrent power of the Eighteenth Amendment means just that—concurrent—not a transfer of all policing responsibility to the Federal Government. Let us get the public eye focused back where it belongs—on community responsibility.

At present, when a well-prepared case against a big bootlegger is presented in court, we try to charge him under other federal laws, such as Section 37, punishing conspiracy, or some of the internal revenue statutes, rather than under the National Prohibition Act, whose mild rebuke is little more than a slap on the wrist to the more audacious offenders. The Volstead Act lacks "teeth," and it would help stamp out the illicit liquor traffic, if Congress would make the penalties more severe, to fit the crime.

Prior to the adoption of the Eighteenth Amendment there existed a system of internal revenue statutes, designed to safeguard the collection of tax on spirituous and other liquors and carrying heavier penalties for their violation than the National Prohibition Act, or Volstead Act, as it is commonly known. They have been of much assistance to United States Attorneys to resort for prosecution of an offender, when the National Prohibition Act was inadequate.

During the four years since enactment of the National Prohibition Act liquor violators have been prosecuted in such increasing numbers that now their cases make up 50 per cent or more of all the cases presented to federal courts. In actual figures the prohibition report for the period from January 16, 1920, to June 30, 1924, is as follows:

| | |
|---------------------|---------|
| Cases filed..... | 203,608 |
| Trials by jury..... | 14,383 |
| Convictions..... | 153,035 |
| Acquittals..... | 5,609 |

A Brief Lexicon of Prohibition Terms

By James J. Britt

Chief Counsel, Prohibition Unit

Assessment—A formal charge or levying of a tax where provision is not made for its payment by stamp or otherwise. Under the Internal Revenue laws where the tax, for any reason, has not been paid by the purchase of a stamp, or directly, it is assessed by the Commissioner setting out each item of the charge and the aggregate amount, and collected by the Collector for the district wherein assessed.

Offer in Compromise—A tender by a taxpayer, or violator of the law, in settlement of a charge or claim against him, or of an offense committed by him, contemplating certain concessions or allowances by both the government and the person charged.

Civil Liability—Liability incurred for a civil injury, such as the breach of the terms of a permit, not amounting to a crime, failure to pay required taxes, penalties, or otherwise to comply with the requirements or keep good faith.

Fine—Punishment by way of money payment imposed upon those convicted of crime.

Forfeiture—Surrender of property to the government for violation of law.

Penalty—Imposition of money payment for an offense or neglect of legal requirement.

Criminal Prosecution—Criminal action by way of warrant, indictment, or criminal information, against persons charged with crime.

Revocation—Procedure to revoke a permit for the violation of the National Prohibition Act or approved regulations.

Libel—Formal petition for the confiscation of property for violation of law.

Injunction—An order issued by the court against a violator, commanding him to desist from violation and to remove the instruments with which the offense is committed. In some instances the building

Fines assessed for the period amounted to \$21,326,806, of which amount \$7,487,235 was assessed and \$5,026,899 was actually collected during the past fiscal year. The jail sentences are not available back of June 30, 1921, but from that date up to June 30, 1924, the aggregate jail sentences amounted to 7,052 years and 23 days.

A problem of large proportions before the Department of Justice is the congestion of prohibition cases in the courts. There are thousands of cases awaiting trial; many of them will never come to trial, because important witnesses for the prosecution will have died or disappeared before the cases are reached. Steps are now being taken by the Attorney General to have more judges appointed to relieve the congestion.

United States attorneys are constantly confronted with the problem of shrewd lawyers for alleged law breakers, resorting to technicalities in the law to enable them to delay trial and jeopardize the prospects of convictions. But this ruse of the liquor interests has been overworked, and I believe swifter justice will soon prevail.

To the prosecuting attorneys it is often disheartening to see judges give law breakers light penalties, a small fine or mild verbal rebuke, and turn the violator loose, so that he can again turn to law breaking. There are many "repeats" among liquor law violators. This is largely due to the sentences given. Bootleggers do not fear fines nearly so much as jail. More jail sentences, instead of fines, would help curb the liquor traffic.

There is another phase to prohibition enforcement, which, I believe, should be considered. That is the social disturbance caused by bootleggers suddenly becoming wealthy. Bootleggers make no tax returns. They buy their way into fashionable clubs, where they strive to break down respect for law and order. Bootleggers are a cancer in the body politic; they should and will be stamped out.

is "pad-locked," or locked up, for one year and in other instances the apparatus, machinery, tools, etc., with which the law is violated, are destroyed.

Contempt of Court—A violation of an order of the court, such as an injunction, for which the violator may be summarily punished by the court.

Permit—A formal authorization by the Commissioner of Internal Revenue to make or distribute liquors for non-beverage purposes. A basic permit is a permit authorizing the carrying on of the business, while a withdrawal permit authorizes the withdrawal of a given quantity of liquor, by a given person, at a given time.

Withdrawal—Lawful removal of liquors from place of storage for non-beverage purposes.

Distillery—A building and apparatus used in the manufacture of liquors.

Dealcobolizing Plant—A building and apparatus used in dealcobolizing or reducing high-proof malt liquors to cereal beverages, or spirits of less than $\frac{1}{2}$ of 1 per cent of alcohol by volume.

Cereal Beverage Plant—A building and apparatus where cereal beverages or near-beers are produced.

Brewery—Prior to the Eighteenth Amendment, a building and apparatus where high-proof beer was produced. The term is now, though incorrectly, generally applied to a cereal beverage plant.

Cereal Beverage—A light malt liquor, often called near-beer, having an alcoholic strength of less than $\frac{1}{2}$ of 1 per cent by volume.

Distilled Spirits—Spirits produced by distillation, that is, by evaporation and condensation, becoming ethyl alcohol, or hydrated oxide of ethyl. Alcohol, whiskey, and brandy are among its chief forms.

Malt Liquors—Fermented liquors produced from malted barley, taking various names such as beer, near-beer and cereal beverage.

Industrial Alcohol—High-proof distilled spirits, used in manufacturing industries, and for mechanical and scientific purposes. It is usually denatured for that purpose.

Unbonded Spirits—Spirits in a government warehouse upon which the tax has not been paid.

Mash—A mixture of grain, malt, water, or other liquids, for fermentation in the production of spirits.

Bonded Warehouse—A place where untaxed spirits are stored under bond awaiting payment of tax and withdrawal.

Proof Gallon—A wine gallon of 100-proof distilled spirits.

Prohibition Enforcement and the Sixty-eighth Congress

Prohibition Legislation Enacted During First Session

The first session of the 68th Congress came to a close on June 7, 1924. A number of measures providing for the enforcement of the Eighteenth Amendment were passed at this session. One measure was passed by the House and is pending in the Senate. All of the numerous wet bills failed of passage. The following is a brief resume of the legislation enacted at this session:

The Anti-Smuggling Treaties—The Senate has given its consent and advice to the ratification of six treaties with foreign countries for the prevention of the smuggling of intoxicating liquors into the United States. Four similar treaties now awaiting action by the Senate were signed subsequent to adjournment of the first session.—See page 10.

Coast Guard—On March 13, 1924, the House passed by a vote of 304 to 50 the bill H. R. 6815 (Winalow, Mass., R.) to enable the Coast Guard to conduct more vigorous warfare on rum-runners. This bill authorizes the transfer to the Coast Guard of surplus naval vessels adapted for patrol work. Authority is also granted to the Service to temporarily increase its personnel to furnish crews for the craft. The bill passed the Senate with certain amendments on March 26 without a record vote. The House concurred in the Senate amendments on April 5, and the measure was approved and became effective on April 21, 1924. Public Law No. 103.

Appropriation for Prohibition Enforcement—The Treasury and Post Office Departments appropriation bill, H. R. 6349, passed the House on February 12 and passed the Senate with amendments on March 7, 1924. It was sent to conference on March 10 and the report of the conferees agreed to on March 31, 1924. It was approved and became effective April 4, 1924. This measure carries an appropriation

of \$10,629,770 for prohibition enforcement, of which \$1,250,000 is to be expended for enforcement of the narcotic laws. Public Law No. 68.

Use of Government Storage Warehouses—When the appropriation bill, H. R. 6349, was pending in the House, on February 5, 1924, an amendment was offered by Representative Cramton, Mich., R., which provided that none of the money appropriated for prohibition enforcement should be used for the storage of liquors in private warehouses wherever there was a government warehouse or other public property available and suitable for that purpose. The amendment was adopted and on March 7 the same principle was provided in an amendment offered by the Appropriations Committee when the measure was pending in the Senate. The amendment by the Senate Appropriations Committee was incorporated in the measure as passed.

Appropriation for Coast Guard—The first deficiency appropriation bill, H. R. 7449, which passed the House on March 14, the Senate on March 26, and was approved April 2, 1924, carried an appropriation of \$13,500,000 for the use of the Coast Guard in the suppression of smuggling. Public Law No. 66.

Appropriation for Special Counsel in Prohibition Cases—H. R. 8350, making appropriations for the Department of Justice, passed the House without a record vote April 18. When the measure was pending in the Senate, May 6, Mr. Sheppard, Texas, D., offered an amendment providing that not more than \$150,000 of the appropriation thus made should be available for special counsel to enforce the National Prohibition Act. The bill passed the Senate on May 10, was sent to conference on May 12, and the conferees report agreed to on the 20th. It was approved and became effective May 28, 1924. Public Law No. 153.

Legislation Passed by the House, Pending in the Senate

The Cramton Bill—H. R. 6645 to amend the national prohibition act, to provide for a bureau of prohibition in the Treasury Department, and to define its powers and duties, was introduced in the House February 5, 1924, by Mr. Cramton, Mich., R. The bill was referred to the House Judiciary Committee, which held public hearings on the measure March 13, 21, 27 and April 2, 1924. The bill was reported by the House Judiciary Committee with amendments on May 5, 1924. Report No. 663. On June 5, the bill, having been amended on the floor by Mr. Cramton, passed by a vote of 275 to 86. The bill was referred to the Senate Committee on the Judiciary June 6, and favorably reported on the same day by Mr. Sterling, S. D., R. The measure is now pending on the Senate Calendar, being order of business No. 846.

This measure has two principal objects,—first, the extension of the provisions of the Civil Service to the employees of the Prohibition

Unit the same as to other departments; second, the reorganization of prohibition enforcement activities to provide for the creation of a Bureau of Prohibition in the Treasury Department to be administered by a Commissioner of Prohibition under the supervision of the Secretary of the Treasury. Within the Bureau there shall be a Division of Industrial Alcohol and Chemistry. This division shall administer the manufacture, distribution and sale of industrial alcohol under Title III of the National Prohibition Act. The bill, as reported out of the House Judiciary Committee, provided that the Chief of Industrial Alcohol and Chemistry should be appointed by the Secretary of the Treasury. When the bill was on its passage in the House an amendment was offered by Mr. Cramton, providing that this officer should be appointed by the Commissioner of Prohibition, with the approval of the Secretary of the Treasury. The bill, with this amendment, was passed by the House.

Bills Pending in Both the Senate and the House

Measures to Strengthen National Prohibition

Other bills which were introduced and are pending are eight measures for the deportation of certain undesirable aliens convicted of violating the prohibition law as follows: H. R. 102 introduced by Mr. Raker, Cal., D.; H. R. 188 introduced by Mr. Johnson, Wash., R.; H. R. 2856 introduced by Mr. Watkins, Ore., D.; H. R. 4090 introduced by Mr. Lineberger, Cal., R.; H. R. 4152 introduced by Mr. Taylor, Colo., D.; H. R. 5418 introduced by Mr. Cable, Ohio, R.; S. 297 and S. 298 introduced by Mr. Spencer, Mo., R., (referred to the Senate Committee on Immigration); H. R. 728, providing for increased penalties for certain offenses under the National Prohibition Act, introduced by Mr. Stalker, N. Y., R., Dec. 5, 1923; S. 2775, to supplement the National Prohibition Act by empowering the government to take over seized automobiles for use by enforcement officials in the enforcement of the prohibition law, introduced by Mr. Jones, Wash., R.¹

Measures to Modify National Prohibition

Fifty-nine bills were introduced simultaneously in the House on March 4, 1924, providing for various amendments to the National Prohibition law, so as to permit the sale of beer containing 2.75 per cent or more of alcohol.² Hearings were held by the House Judiciary Committee on one of these measures, H. R. 7584, which was introduced by Mr. Hill, Md., R., but no report was made by the committee. Numerous other bills were also introduced seeking to change

the definition of intoxicating liquors. Mr. Hill also introduced a bill, H. R. 4119, to amend the National Prohibition Act to create Federal local option districts, etc.³

A resolution (H. J. Res. 273) for the repeal of the Eighteenth Amendment, was introduced by Mr. O'Sullivan, Conn., D. A bill (S. 1525) to amend the National Prohibition Act, as supplemented, in respect of the issuance by physicians of prescriptions for intoxicating liquors, was introduced by Mr. Edge, N. J., R.⁴ A bill (H. R. 7179) to protect the interests of innocent persons in property which is used in the unlawful conveyance of goods or commodities, was introduced by Mr. Dyer, Mo., R.⁵ A bill (S. 991) to transfer to the Department of Justice certain functions, powers, and duties relating to the National Prohibition Act and the Secret Service Division, etc., was introduced by Mr. King, Utah, D., and was referred to the Senate Committee on Finance.

When the McNary-Haugen Bill, H. R. 9033, was under consideration of the House, Mr. Black, N. Y., D., offered an amendment which would have permitted the proposed Export Corporation to use the farmers' supply of barley, wheat and apples for the manufacture of beer and cider. The amendment was defeated on May 24, 1924, by a vote of 84 to 23.

¹Referred to the House Committee on Immigration and Naturalization.

²Referred to the House Committee on the Judiciary.

³Referred to the Senate Committee on the Judiciary.

Will Cramton Bill Accomplish More Effective Administration?

Pro

Hon. Louis C. Cramton

U. S. Representative, Michigan, Republican
Author of the "Cramton Bill," H. R. 6645

OPPPOSITION of the National Association of Retail Druggists to my Bill (H. R. 6645) to place federal prohibition enforcement under a separate bureau in the Treasury Department to administer the law concerning alcoholic liquors, both prohibited and permitted, is most unfortunate and entirely unnecessary. H. R. 6645 has these objects, all of which appeal to retail druggists as well as to other good citizens:

First, to secure better enforcement of the Eighteenth Amendment by centralizing the administration of the law, federally, by eliminating conflict of authority and passing the buck, and by fixing responsibility. Especially is it desired to put an end, so far as possible, to diversion of permitted liquors to illegitimate uses. At least six million gallons so diverted last year was one of the two great sources of unlawful supply.

Second, to secure more prompt and satisfactory administration of the law in issuance of permits by cutting unnecessary red-tape.

Third, to relieve the commissioner of Internal Revenue of this great burden and thereby contribute to better administration of the revenue laws.

Fourth, to eliminate politics from the work of prohibition enforcement by putting the whole service under civil service.

All these purposes must commend themselves to the druggists and to legitimate users of industrial alcohol. Any opposition on their part has arisen purely through misapprehension and the traditional fear of change.

It is feared that review and supervision of the work of the proposed commission is not sufficiently provided. No regulation, under my bill, can be issued by the Prohibition Commissioner, except with the approval of the Secretary of the Treasury. His every act is subject to review by the Secretary. At the same time, the same right of appeal to the courts that now exists is fully continued.

A separate division to administer the industrial alcohol branch is provided, to be under the charge of a chemist experienced in that subject, to be appointed by the Commissioner only with the approval of the Secretary of the Treasury. Thus the most efficient administration will be secured with quicker action on application for permits, etc. At the same time through the close affiliation of the work concerning permitted and prohibited liquors, the misuse of permitted alcohol can largely be stopped.

The bill went to the Treasury Department and received under date of February 20 the approval of the Secretary of the Treasury as contained in the following letter to the chairman of the Judiciary Committee of the House:

"As I understand this bill, H. R. 6645, it proposes to create a bureau of prohibition in the Treasury Department, under the general supervision of the Secretary and his assistants, as are other bureaus, giving to the Commissioner of Prohibition, which office it creates, the entire administration of all prohibition laws, present and prospective, reserving only the collection and covering into the Treasury of all taxes fixed by such laws, and all assessments and penalties arising thereon, as determined by the Commissioner of Prohibition to the Commissioner of Internal Revenue, and with this understanding of the bill I give it my approval. Should there be any necessary changes, either verbal or substantial, to effectuate these ends, your committee will, no doubt, make them before the passage of the bill, and, this being done, I hope the bill may speedily become a law."

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Con

American Drug Manufacturers Association

Statement by Horace W. Bigelow
General Counsel and Chairman of the Committee
on Legislation

WHEN the Committee on Legislation recommended that our Association take a neutral position toward H. R. 6645, it was the opinion of that committee that the Prohibition Unit was fully in sympathy with the needs of legitimate industry, whose right to obtain an ample supply of alcohol is absolutely guaranteed under the provisions of The National Prohibition Act.

Subsequent events, however, have convinced the committee on legislation of this association that its earlier opinion was not justified.

Reference is made particularly to the stipulation which the prohibition unit in the month of July of this year attempted to surcharge upon all permits for the use of specially denatured and non-beverage alcohol, which stipulation provided, in substance, that the permits were to be issued upon the express condition that the permittee would compel his customers at all times to fully account to the prohibition commissioner for the disposition of the products in which such alcohol had been used. Furthermore if the permittee failed to fulfill the condition it would be ground for the revocation of the permit.

It can be said without fear of contradiction that there is no lawful basis for the stipulation and that it unquestionably placed an unwarranted burden as well as an impossible and impracticable task upon the members of this association, thereby illegally jeopardizing their permits.

In view of the attitude of the prohibition unit toward this matter, and all of the facts and circumstances surrounding it, the committee on legislation of this association has been led to the unalterable conclusion that it would be unsafe, and unwise, to remove the prohibition commissioner from the supervision and control now exercised over him by the Commissioner of Internal Revenue.

Consequently, the committee on legislation of this association was constrained to recommend to the executive committee that the committee on legislation be authorized to take all necessary steps to prevent, if possible, the passage of this measure by the Senate.

The executive committee of the association thereupon unanimously authorized the committee on legislation to take all steps it deems advisable to combat this measure—*Extracts, see 2 p. 35.*

National Association of Retail Druggists

Resolution Adopted at the September 22-26, 1924,
Convention

RESOLVED: That the Cramton Bill, H. R. 6645 be and the same is hereby emphatically condemned and the retail druggists of the nation are urged to take such steps as may be found necessary to accomplish the defeat of this unwarranted and untimely measure, also be it further

Resolved: That the national office prepare and file a brief with each Senator and mail a copy to State and local associations with a request that they prepare a similar brief for presentation to the local Senator.

Industrial Alcohol Experts Differ on Effects of Cramton Bill

Pro

Dr. J. M. Doran

Chief, Chemistry and Alcohol Division U. S. Bureau of Internal Revenue

I WOULD like to give a brief explanation of the present system of alcohol administration through the collectors of internal revenue and federal prohibition directors.

All permits for withdrawal and use of alcohol on which the tax has not been paid are issued through the office of the collector of Internal Revenue who through his deputies and storekeeper-gaugers is charged with the duty of surveillance of these activities.

The Federal Prohibition Director is the officer through whom are issued all permits having to do with the procurement and use of alcohol on which the tax has been paid.

They deal then with the same subject matter and the same alcohol, one in its tax-free state the other in its tax-paid. This bill would place the entire control of distillation, storing in bond, disposal of it either tax free or tax paid as the law provides in one administrative field official, the actual accounting for the tax being through the collector of internal revenue.

It is in the dual field administration indicated that difficulty is naturally encountered. The alcohol industry and others depending on it are vital to our national welfare and it is obviously necessary that it be directed under wholesome regulations that will keep it as free as possible from violators whose operations are an economic burden on the industry entirely apart from their contribution to unlawful liquor traffic.

The collectors of internal revenue are naturally giving their energies largely to tax collection. The Federal prohibition directors are primarily concerned with the execution of the national prohibition act. It is believed that the best results to industry as a whole can be obtained through the operation, under one head, both in Washington and the field. An officer whose sole duty it is to address himself to all angles of the problem, permissive and prohibitive, should be able to get better results than two officers working piecemeal on the same subject.

Now, as to the diversion of alcohol. There were produced last year approximately 63,000,000 wine gallons of alcohol. Approximately 10,000,000 proof gallons were tax paid and distributed as pure alcohol to permittees through Federal prohibition directors. This quantity goes into the general prescription uses of drug stores, internal medicines, and flavoring extracts. A comparison of the last three years' withdrawals of tax-paid alcohol indicate the probability of only a moderate diversion. I would estimate approximately 500,000 gallons.

Approximately 1,000,000 proof gallons were distributed tax free as pure alcohol to universities, hospitals, States, and the United States. These permits were issued through the collectors of internal revenue and there is no evidence of any noticeable diversion. This is unquestionably due to the character of the permittees who receive the alcohol.

Twenty-seven million wine gallons were distributed as completely denatured alcohol. No permit or bond is required for the handling and using of completely denatured alcohol. Some of this has been manipulated into the lowest grade of illicit drinks. Some of it has been released in a pure state although it is alleged to have been denatured. The bulk of it, however, has been legitimately distributed and used in many industries, chiefly paint, varnish, and as auto-

Con

James P. McGovern

Attorney for United States Industrial Chemical Co.

UNDER the Cramton bill the administration of all denatured alcohol laws would be removed from the Internal Revenue Bureau, placed under the domination of a prohibition commissioner and his police force, and the supplies of all formula of that chemical raw material would have to be procured from inexperienced prohibition directors and inspectors who think in terms of "booze" and hip-pocket-size packages; and this despite the provisions of section 4, Title II, of the national prohibition act, that "denatured alcohol or denatured rum produced and used as provided by laws and regulations now or hereafter in force * * * shall not, after having been manufactured and prepared for the market, be subject to the provisions" of that act. It has taken nearly a score of years for the Bureau of Internal Revenue and its collectors to systematize the work of ministering to the denatured alcohol requirements of chemical industry and to reach its present state of efficiency. All this effort will be lost if the Cramton bill becomes a law. How long will it take a prohibition commissioner, charged as well with the duty of policing the law, to perfect a new organization for the purpose? And in the interim what about the lawful rights of permittees who had been led to place faith in the congressional mandate that "the non-beverage alcohol industry and other industries using such alcohol as a chemical raw material or for other lawful purpose" shall be placed "upon the highest possible plane of scientific and commercial efficiency"?

In this connection sight should not be lost of the fact that hospitals, universities, laboratories engaged in scientific research, and governmental agencies have from time immemorial expeditiously obtained their lawful needs and requirements of pure alcohol through collectors of internal revenue. If the Cramton bill becomes a law, prohibition crews, untrained in those important fields, will control the source of supply for such uses, with what dire results to the public health and well-being of the Nation no one can possibly foretell.

However well intentioned may be a Secretary of the Treasury, or any Assistant Secretary assigned to the work, he could not possibly give the necessary time, study, and attention incidental to the supervision of lawful operations which are now devoted to them by the Bureau of Internal Revenue.

Generally speaking, the existing Prohibition Unit of the Internal Revenue Bureau, the Coast Guard, and other agencies available for the more effective enforcement of the prohibition laws, are already in the Treasury Department and the reason for the creation of a new bureau of government, under the Cramton bill, is wholly unexplainable, except upon the theory that the present Commissioner of Internal Revenue, having dutifully exercised his statutory right in granting relief from intolerable restrictions imposed by the Prohibition Commissioner upon lawful industry, has incurred the displeasure of professional prohibition organizations, and is to be sacrificed upon the altar of political expediency by having taken from him powers exercised for ages by the Bureau of Internal Revenue in connection with the manufacture, withdrawal, sale and use of distilled spirits, etc., for lawful purposes.

The approval, by the Secretary of the Treasury, of the substance of the Cramton bill can only be interpreted as the

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Will Cramton Bill Solve Problem of Diversion?

Pro

James J. Britt

*Counsel of the Prohibition Unit,
U. S. Bureau of Internal Revenue*

AS CONSTITUTED at present the prohibition unit is only one of four units ranking practically with a number of sections in the Bureau of Internal Revenue. Because of the transcendent importance of the subject I fully concur in the views of the Secretary and of his assistants and of the Commissioner of Internal Revenue and Representative Cramton, that it should be given the dignity and standing, and authorized to perform the functions, of a bureau in the Treasury Department, and under a commissioner of prohibition whose rank would be coordinate with that of the Commissioner of Internal Revenue and other heads of bureaus in the departments. The two distinctive features of separation between the functions of the prohibition unit, as it is now constituted and as it will be constituted after the passage of this bill, if it becomes a law, are, that the complete enforcement of the eighteenth amendment and its enforcing legislation is entrusted to the new bureau of prohibition, while the collection and covering into the Treasury of all excise taxes and of all incidental moneys arising under these laws, will be left ministerially to the Commissioner of Internal Revenue, as now. Not to have done so would have disturbed the entire mode of collecting and accounting for moneys for a long period back, as you all know. So now the only function left to the Bureau of Internal Revenue is that of collecting and accounting for the excise taxes that are determined by law, and such other moneys as come in incidentally under the law, such as determinations upon compromises and assessments made, which under the Volstead Act are somewhat in the nature of penalties, as has been held in the Supreme Court decision known as the Lipke case.

The law not only authorizes the use of alcohol for industrial, scientific, mechanical, and medicinal purposes, but the caption of the act of October 28, 1919, known as the Volstead Act, is so formulated as to encourage the manufacture of alcohol for industrial purposes and to encourage its use in industrial pursuits. I take that to have been the view of Congress in furtherance of a generally understood policy of the country to encourage lawful industries of every sort as far as it could within the law. That being true, we have a vast amount of alcohol manufactured in this country, let us say something like 100,000,000 proof gallons annually. It is perfectly true that the legitimate industries using alcohol ought to have as much alcohol as they want to use in legitimate industry, and they ought to have it without let or hindrance. But alcohol production, distribution and transformation does not begin and end with the gentlemen who use it legitimately. The gentlemen who use it legally, in a legal product, naturally cannot with the greatest patience see why it is that restraint is placed upon those who have not like morals and like purposes. Now, that is perfectly natural. I can sympathize with their point of view. But in their effort to carry out the law and to allow, under the permissive system, enough alcohol to carry on the industries of the country without let, hindrance, or impediment, a great many manufacturers, denaturers, and transformers and users of alcohol have become utterly forgetful of the eighteenth amendment and national prohibition.

Continued on page 28

Con

H. S. Chatfield

*Chairman, Industrial Alcohol Committee
National Paint, Oil, and Varnish Association*

IN SPEAKING for my industry I do not care what kind of a prohibition enforcement bill you pass. The more restriction you put on beverage liquors the better it will suit many of the men in the important industries I represent.

What we as users of industrial alcohol, in industries so important that this country cannot proceed without them, have to say, is that we want a bill or amendment to this bill or anything that will relieve us from harassment as merchants and manufacturers who have our money invested in an honest, legitimate industry; be what it may, that we shall be relieved of this continual pestering and annoyance and interference with lawful operations which we have had and fought since prohibition.

We have fortunately up to the present time had an abundance of motor fuel and various other things, but we are shy on alcohol. Every country that we are competing with fosters the use of industrial alcohol. I am today bringing goods from Germany which should be produced in this country, but it cannot be done as long as the restrictions in the price of alcohol exist, and the more restrictions you put on it the more you increase the price; the harder you make it to handle it; each time it is turned over costs the manufacturer or users so much more money, and, consequently, our business is handicapped.

I speak from 35 consecutive and uninterrupted years of association with this commodity, and I speak seriously and advisedly when I say that what Congress should do today is to increase the powers of the prohibition unit just as far as they please in restricting the use of beverage liquors so that the people who want beverage liquors will be put in a position where they simply cannot get it—I mean alcoholic beverage—but give to the manufacturers with millions and millions of dollars invested, all the industrial alcohol that they can use.

Our dye industry has gone and our paint and varnish industry will be gone if we do not have large quantities of alcohol, which is equally as essential to our business as coal or iron to the steel or any other industry.

There is going to be diversion of industrial alcohol. But to offset that, increase your power of detection. The diversion of alcohol, in my candid opinion, is largely due to the lack of effort of the policing department. In the large number of concerns today that are entitled to permits to handle industrial alcohol—and we say, for a matter of illustration, that we are using a hundred thousand gallons a month—with organizations of anywhere from 300 to 500 or perhaps 3,000 people—there is bound to be some diversion of that alcohol just the same as there would be defalcations in banks where the money is the principal commodity. But that cannot last long, because in any big organization it is almost impossible for any diversion of any magnitude to take place, unless there are one, two, or possibly five people in unison working with them. No one person in a big organization can handle it.

That will go on for a short period. But where there are one, two, three, or five people there is always one who is bound to feel that he is not getting his, and he squeals and they are all caught. It is the inevitable rule. Murder will out; very few crimes go undetected very long. If

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Is Nation Ready To Respect Prohibition Law?

Pro

Hon. Wesley L. Jones

U. S. Senator, Washington, Republican

THE chief attack on prohibition has always been that it cannot be enforced.

Everyone admits that the prohibition law is violated. I know of no law that is not violated. If every citizen would do his whole duty to his fellow men, we would need but few, if any, laws to carry on the work of government. Criminal laws are not made for the law-abiding but for the lawless, and this class of citizens will always break the law as long as they see an opportunity to do so.

No one on sober thought, however, will insist that a law is a failure simply because it is violated.

Another objection that is made to the prohibition law is that it infringes the personal liberties and rights of the individual. There is no such thing as personal liberty in a Republic. Our right to do as we please is restricted in many, many different ways, and it is enough to say that no man in a Republic has any right to do what the duly constituted majority has declared shall not be done. Prohibition is the law of the land, established and brought about in the regularly constituted way, and no citizen of the Republic, whether high or low, has a personal right or a personal liberty, if you please, to do contrary to that law. When duly passed as it has been it does not infringe upon any personal liberty of any citizen of the country.

It was the great body of our people who represent the homes and firesides and who comprise the bone and sinew of our body politic that made prohibition possible. These people, through long years of observation of the evils of the liquor traffic and experience of the benefits obtained through applying the principle of prohibition to small communities by local option and State-wide laws, came to believe its application to the Nation as a unit would be to the best interests of our national welfare. These people, believing in the principle and having seen the law enacted, have gone about their daily tasks and are not constantly agitating and discussing the question of violating the law.

In spite of the organized effort to defy this law and the indifference of many citizens to its enforcement the Federal prohibition department is making headway in checking law violations. It deserves the commendation of the friends of law and order.

If we cannot enforce a law which we ourselves enact, respect for our form of government will be weakened throughout the world.

The recent utterance of the judicial section of the American Bar Association should be heeded by every patriotic citizen:

The Judicial section of the American Bar Association, venturing to speak for all the judges, wishes to express this warning to the American people: Reverence for law and enforcement of law depend mainly upon the ideals and customs of those who occupy the vantage ground of life in business and society. The people of the United States, by solemn constitutional and statutory enactment, have undertaken to suppress the age-long evil of the liquor traffic.

When for the gratification of their appetites or the promotion of their interests lawyers, bankers, great merchants, and manufacturers, and social leaders, both men and women, disobey and scoff at this law, or any other law, they are aiding the cause of anarchy and promoting mob violence, robbery, and homicide; they are sowing dragon's teeth, and they need not be surprised when they find that no judicial or police authority can save our country or humanity from reaping the harvest.

William Jennings Bryan, who has been a keen observer of

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Con

Hon. William Cabell Bruce

U. S. Senator, Maryland, Democrat

THE true remedy for the appalling spirit of lawlessness that has been aroused by national prohibition is not to make another extraordinary effort to enforce it, but frankly to face the facts and admit that absolute national prohibition is not enforceable at all.

The Eighteenth Amendment became a part of the Federal Constitution on January 16, 1919; and the Volstead Act was enacted on October 28, 1919. It is safe to say that no period in American history has ever been distinguished by such general demoralization and lawlessness as the period of four years which has followed the passage of that act. To thousands and hundreds of thousands of American citizens it has become an object simply of hatred and derision. The flow of drink underground at the present time is almost as steady and copious as it ever was above ground.

The injury which has been done by this state of things to the morals and manners of the American people defies exaggeration. For the first time in our history the most reputable and the most disreputable members of American society have been brought into the closest working relations.

And this situation is not more notorious than the utter lack of power of the Government to control it. I can recall the time, before the adoption of the eighteenth amendment, when it was a common saying that, even if the States and cities of the United States could not enforce their laws, the Federal Government was always equal to the task of enforcing its laws; and, for all practical purposes, the statement was true; but it is true no longer.

And why is the Volstead Act unenforceable? It is because the idea that it is a criminal thing at all times and under all circumstances to make, sell, or use an intoxicating beverage is a purely artificial conception, at war with the fundamental facts of human existence, and untenable in the forum of sound human reasoning. That murder or theft or some other offense of the same deep dye is a criminal thing, we need no Volstead Act to tell us. Indeed, we did not need even the tables upon which the Ten Commandments were engraved to tell us that; but the criminality of drink under any and all conditions exists nowhere except in constitutions and statutes written by men incapable, from fanaticism or other causes, of seeing things as they truly are. Millions of men can drink from their earliest to their latest years without the slightest excess, and I am glad to say that I am one of them. To divest this vast host of human beings of the right, under proper public regulations, to drink in moderation because there are, and always will be, a great number of individuals who cannot drink in moderation, is in effect nothing but sheer tyranny.

Such an act is not only destructive of every rational theory of human liberty but is prompted by a totally false philosophy of life. As long as we do not injure ourselves or others, there is no reason why we should not satisfy our sensual cravings as freely as our moral or intellectual. The human body is not a vinegar cruet; an odious subject for cloistered chastisement and mortification merely. It is, to use the beautiful image of Coleridge, "a breathing

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The States' Responsibility For Local Enforcement

Pro

Hon. Warren G. Harding

Late President of the United States

THE prohibition amendment to the Constitution is the basic law of the land. The Volstead Act has been passed, providing a code of enforcement. I am convinced that they are a small, and a greatly mistaken, minority who believe the Eighteenth Amendment will ever be repealed. Details of enforcement policy doubtless will be changed as experience dictates. Further, I am convinced that whatever changes may be made will represent the sincere purpose of effective enforcement, rather than moderation of the general policy.

The general policy of the States to support the prohibition program, and to co-operate with the Federal Government regarding it, is attested by the fact that almost unanimously the States have passed enforcement laws of their own. A difficulty, however, arises at this point. A good deal of testimony comes to Washington that some States are disposed to abdicate their own police authority in this matter, and to turn over the burden of prohibition enforcement to the Federal authorities. It is a singular fact that some States which successfully enforced their own prohibition statutes before the Eighteenth Amendment was adopted have latterly gone backwards in this regard.

Communities in which the policy was frankly accepted as productive of highly beneficial results, and in which there was no widespread protest so long as it was merely a state concern, report that since the Federal Government became in part responsible there has been a growing laxity on the part of State authorities about enforcing the law. Doubtless this is largely due to a misconceived notion, too widely entertained, that the Federal Government has actually taken over the real responsibility. The fact is quite the contrary. The Federal Government is not equipped with the instrumentalities to make enforcement locally effective. It does not maintain either a police or a judicial establishment adequate to or designed for such a task. If the burden of enforcement shall continue to be increasingly thrown upon the Federal Government, it will be necessary, at large expense, to create a Federal police authority which in time will inevitably come to be regarded as an intrusion upon and interference with the right of local authority to manage local concerns. The possibilities of disaster in such a situation hardly need to be suggested. Yet it is something that we must recognize as among the menaces in this situation.

The Federal Government ought to perform, in connection with the enforcement of this policy, those functions which are obviously within its proper province. These are compliance in all its aspects as it relates to international commerce, the importation and exportation of liquors, the collection of Federal revenue, the prevention of smuggling, and in general the enforcement of the law within the proper realm of Federal authority. But the business of local enforcement, by States and cities, ought to be in the hands of the State and local authorities, and it should be executed in all sincerity and good faith, as other laws are presumed to be executed.

It is a curious illustration of loose thinking, that some people have proposed, as a means to protecting the fullest rights of the States, that the States should abandon their part in enforcing the prohibitory policy. That means simply an invitation to the Federal Government to exercise powers

Con

Hon. Alfred E. Smith

Governor, New York

IN 1921 there was enacted in this State, what has come to be known as the Mullan-Gage law. It put into the penal statutes substantially all of the provisions of the Volstead Act, but accompanied them by even more rigorous provisions as to search and seizure.

I make no criticism of this action on the part of the Legislature, but I am entirely unwilling to admit the contention that there was put upon the State either by the Eighteenth Amendment, the Volstead Act or the United States Supreme Court decision, any obligation to pass any law adopting into the State law the provisions of the Volstead Act.

I have read thousands of letters and I have listened to the fullest discussion and no one has pointed out to me any provision of the Constitution or the statutes, or any decision of the United States Supreme Court which imposes upon our State any constitutional duty to maintain a State enforcement act, and I am satisfied that as a matter of law this contention does not admit of doubt.

Congress made its determination as to what constituted an intoxicant. This State decidedly disagreed with that determination. After all is said and done, whatever may be the interpretation of the Eighteenth Amendment by any class or group of our citizens under our form of government we look to the courts for the interpretation which we must all follow. While legislative bodies make the laws, the courts must construe them, and we are bound by the construction put upon them by our judicial tribunals. The United States Supreme Court said:

"The power confided to Congress by the Eighteenth Amendment is in nowise dependent upon or affected by action or inaction on the part of the several States or any of them.

If the right of Congress is paramount, its responsibility must be paramount.

Expanding this idea, the statement signed by the Attorney-General of Massachusetts adds:

"Nullification, as defined by the highest authority, is the action of a State intended to abrogate within its limits the operation of a Federal law."

This no one proposes to do. The mere omission to maintain a State statute in no way abrogates a Federal statute. It seems to me that this effectually disposes of the loose talk about the nullification of the Constitution by refusal on the part of any of the States to enact separate statutes.

The repeal of the Mullan-Gage law will not make legal a single act which was illegal during the period of existence of the statute.

The Supreme Court of the United States said:

"The Constitution, laws and treaties of the United States are as much the part of the law of every State as its own local laws and constitution."

That means that after repeal there will still rest upon the peace officers of this State the sacred responsibility of sustaining the Volstead Act with as much force and as much vigor as they would enforce any State law or local ordinance, and I shall expect the discharge of that duty in the fullest measure by every peace officer in the State. The only difference after repeal is that today the police officer may take the offender for prosecution to the State court, to the Federal court or both. After the repeal of the Mullan-Gage law the prosecution must be where it belongs—in the Federal court.

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America's Policy of Banishing Liquor by Federal Action

Pro

Charles W. Eliot

President Emeritus, Harvard University

AN OVERWHELMING majority of the teachers and educators of our country believe in bringing up all children not to use alcohol in any form for the sake of their own health and of the public health, and also believe that the reasons for the abolition of alcoholism should be taught in all schools as part of the regular instruction in personal and community hygiene.

The testimony now being given by manufacturers, physicians, nurses, and social workers as to the improvement in the condition of the population at large which has taken place since the Eighteenth Amendment was adopted is so potent that it will soon convince the great majority of the American population, both native and foreign, that the complete disuse of alcoholic drinks will result in enormous benefits to any people that accomplishes it.

The prohibitory legislation is being better and better enforced; and its complete enforcement will follow after a time upon the appointment of enforcing officers on the merit system instead of the 'spoils' system. The first batch of officers to enforce the prohibition legislation were all spoils men, that is, were appointed by members of the Senate and House of Representatives in their personal or party interests; and inevitably a large proportion of the men so appointed turned out to be either morally or mentally incompetent.

I venture to add to these statements of opinion the following prophecy:

Neither the Republican nor the Democratic Party will venture to put a 'wet' plank into its party platform at the coming presidential election. Even the wettest of the politicians see the strong trend of public opinion toward the enforcement of all the laws against the manufacture and sale of alcoholic drinks. This prophecy is based on the extraordinary progress of democracy throughout the world during the past 10 years, a progress which has been characterized by active support of all promising means of promoting the public welfare. Among these means there is none better than the abolition of alcoholism.—*Extracts, see 8 p. 35.*

Wayne B. Wheeler, LL.D.

*General Counsel and Legislative Superintendent,
The Anti-Saloon League of America*

SIGNIFICANT changes in our fundamental law and governmental policy are today developing. There is a new emphasis on that part of the Constitution which declares one of its purposes, is to "promote the general welfare." The Constitution was framed in an age when the smaller states were jealous of the larger and fearful of their aggression or domination. Our need today is protection of all the states from lower ideals, cheaper standards of living, degradation of poverty, unfair competition or alliance with vice in any of the forty-eight component parts of the nation.

The Eighteenth Amendment to the Constitution was the first important step in this new development in our national life. Its provision for "concurrent power" to be exercised by the separate states and by the Federal government provided for a form of co-operation hitherto untried. It was made necessary by the inability of any state or group of states to prevent the invasion of their territory by a traffic they had prohibited. One single state by furnishing a base

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Con

Nicholas Murray Butler

President, Columbia University

THE reason why the national prohibition law is not enforced is that it cannot be enforced. The reason why it cannot be enforced is that it ought not to have been passed. In its attempted forcible interference with the food and drink and medicine of the people, it is a form of oppression to which a free people will never submit in silence. No liberal can possibly defend it. The immoral conditions which have followed the ratification of the 18th Amendment are the direct and natural results of its own immorality.

Politicians without exception assure us that there can be no issue made of the prohibition question, that any party will go down to destruction which touches it, and that present conditions must be permitted to exist and to develop as they are. They insist that the repeal of the 18th Amendment is impossible, and that there can be no cure for the conditions that have followed its ratification. In other words, their estimate of the intelligence and morality of the American people is that they are too ignorant, too stupid, and too cowardly to rise to their feet and with burning moral indignation to sweep from power this whole army of imposters, fanatics, and unworthy spokesmen of the public will. They forget, however, that while party platforms may avoid the moral question raised by prohibition, political issues are primarily made not by platform declarations but by the people themselves.

Such a situation as confronts us in the United States is intolerable, solely and exclusively from the standpoint of morals. It has nothing to do with the appetite for alcoholic liquor, whether that appetite be controlled or uncontrolled. It has nothing to do with local measures, prohibitory in character, which respond to the substantially unanimous sentiment of a local community. It has to do with the attempt to turn and twist our federal form of government until it becomes an instrument of tyranny and to destroy the Constitution of the United States by injecting into it mere police regulations which, however important any one of them may seem to be at any particular time, are of

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Nicholas Murray Butler

President, Columbia University

PROBABLY if the American people were directly asked whether they desired to change their form of government, their reply would be overwhelmingly in the negative. There are, however, other ways of overturning or changing a government than by the method of direct attack. Foundations may be slowly yet steadily worn away by successive acts which, however well supported or seemingly innocent at the moment, have as a necessary consequence the weakening or changing of the American form of government as it now exists. Every transfer of activity from the sphere of liberty to the sphere of government is such an undermining of the foundations. Every attempt to make uniform by the force of federal power the conduct and activities of citizens in the several states, is an undermining of the foundations. Every attempt by use of the federal power to enable government to encroach still farther upon the domain of liberty is an undermining of the foundations.

How, for example, if some question economic, some ques-

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*Pro—continued*Wayne B. Wheeler—*continued*

of operations for that traffic could effectively thwart the operation of the laws of any or all the other states. "To promote the general welfare," forty-six states approved a Constitutional Amendment by which the states and the Federal government agreed to cooperate uniformly in the outlawry of the beverage liquor traffic.

The tendency to meet public necessity by extension of Federal authority has steadily grown ever since Chief Justice Marshall announced the doctrine of implied power, much of it centering about interstate commerce. Some of this legislation has taken a wide range, as in the Federal Liability Act. The taxing power has been used to extend the scope of Federal power, as in the Harrison Narcotic Act.

The most striking illustrations of the extension of Federal authority for the purpose of co-operation are shown under the authority conferred upon Congress to appropriate money, under which has developed the doctrine of Federal aid to the states. The appropriations which are annually made by Congress for the building of highways, the improvement of the public health in connection with rural sanitation, the establishment of agricultural and mechanical colleges and in aid of agricultural education, for state and territorial soldiers' homes, are the most conspicuous examples. These are cases in which Congress has unquestionably co-operated with the states in matters peculiarly within the jurisdiction of state legislation.

The successful fight against the organized liquor traffic was made possible by the application of this principle to the relation between Federal and State governments. The difficult task of adjusting seemingly conflicting authorities was solved in the adoption of the Eighteenth Amendment, under which, for the first time in the history of our country, concurrently, the national government and the separate states may legislate. This was the climax of co-operation between state and nation. The magnitude of the evil aimed at necessitated this action.

We had driven the beverage intoxicant trade from 95 per cent of the territory of the nation, containing 70 per cent of the population, but found that the remaining 5 per cent of territory was the rendezvous from which the liquor interests could invade the dry communities and violate their laws. Inevitably we were forced to adopt the final measure for co-operation between state and Federal government; an amendment to the Constitution, giving Congress and the states concurrent power to establish uniform legislation that would be national in extent.

The Federal authority has generally directed its attention to such violations of the Eighteenth Amendment as were national in character, such as smuggling, large-scale production of illicit liquor, etc., leaving to the states the suppression of the violations of less importance. The Federal government, however, has the right to step in and exercise its authority when any state does not enforce the provisions of the amendment. If concurrent power is properly exercised, such action will not be needful since the amendment provides for the Federal and state government supplementing, rather than supplanting the other's authority.

The principles thus established by legislation, affirmed by decisions of our highest court, provide for 100 per cent co-operation or team work in state and Federal legislation for promotion of the general welfare.

We desire the "general welfare" to have precedence over other less important issues. Matters which are distinctly local or purely state-wide in extent, we leave to the state, but we are availing ourselves of the cooperative force of national and state authority to support national ideals and to suppress national evils.—*Extracts, see 10 p. 35.*

*Con—continued*Nicholas Murray Butler—*continued*

tion social, some question educational, presents itself as one that affects the whole people, can it be dealt with and answered save by increasing the authority and activity of the Federal Government, even if by so doing we do hasten the change in our form of government itself? Must not a national need be met by a national effort? The answer is, Certainly; a national need must be met by a national effort; but that national effort need not be, and usually should not be, an effort by the national government. It should be rather a national effort by the people acting with substantial uniformity and singleness of purpose through their state and local governments and through their activities in the sphere of liberty. If that substantial uniformity and singleness of purpose can only be had by force, and that the force of the Federal Government, then they ought not to be had at all. The wise course, the American course, is to prefer reason to force, and by education, by exhortation, by moral and intellectual appeal, to bring about in natural and orderly fashion those public policies and that public conduct that are nationally desired, through use of the existing instrumentalities and agencies and without undermining the foundations on which our government rests. This process may, like growth itself, take time; but it is time well spent. The end when so reached will then be really and not merely formally reached, for it will rest upon the conviction and willing co-operation of those immediately affected. The opposite procedure, which is that of nation-wide, government-made conformity, must always fail except when confined to those fields of action which are, by common consent, appropriate not only to government control, but to federal government control. The moment that there is substantial difference of opinion on this point, the method of force breaks down, and untold political, social and moral damage follows in the train of the failure.

When, during the period of nation-building, States Rights meant nullification and secession, it was a cry in opposition to the unity, the safety and the perpetuity of the American form of government; today the scene has shifted and the cry States Rights now signifies the preservation of that just and wise balance between local self-government and central authority, upon which our social order and our system of government itself have alike been built.

In a free government no distant or remote governmental power can by any possibility make this prohibitory control effective over a widely extended area and over a diverse and divergent population. If the public attention were fixed less on alcoholic liquors, their use and their control, and if it were fixed more on the question of governmental powers and governmental effectiveness, we should make greater progress in reaching the end which every good citizen must applaud and desire. That end is temperance in all things, respect for law and obedience to it, and the orderly progress of government, to the end that all citizens may grow in intelligence, in character and in mutual helpfulness.

If the political, the moral and the governmental problems which the existence of this amendment presents are not dealt with courageously and with high intelligence, the nation will shortly find itself permanently face to face with a second provision of fundamental law which, in cities, towns, villages and on farms throughout the land is being nullified and flouted. This of course means one more invitation to lawlessness and the law-breaking spirit, which follows and apparently must follow from the transfer of police power from local government to a central authority attempting to operate uniformly over the whole United States.—*Extracts, see 13 p. 35.*

Shall America Maintain Her Stand Against Liquor?

Pro

Elbert H. Gary

Chairman, United States Steel Corporation

THERE are always some persons who will object to the passage or enforcement of any penal or prohibitory law and, as a rule, they are the men who do the most talking on the subject. I have no hesitation in saying with emphasis that the Volstead Act and State laws for prohibiting the manufacture and sale of intoxicating liquors have been very beneficial to the industry of this country and to the workmen connected with it and their families.

While there have been violations of these laws, particularly in the larger cities, while there has been illicit manufacture of "hooch," so-called, and while there has been more or less bootlegging, yet as a total result of the prohibitory laws there has been a large decrease in the use of liquor, at least in the vicinity of our various plants throughout the country.

There has been a noteworthy decrease in the number of jails, asylums and hospitals. There has been an increase, and a large increase, in the bank balances of savings deposits. The health of the people has improved. The families of workmen are better clothed and better treated. The attendance of the workmen and their families at church, of the children in schools and of all of them at clean, legitimate, healthful resorts and places of amusement, has materially increased.

The sale and use of automobiles has been largely increased by the fact that a large majority of the workmen now prefer to take excursions with their families by automobile instead of spending their time at the saloons or other places and wasting their money in practices that are physically injurious instead of beneficial.

At a meeting of steel men recently, it was stated by one of those present that the families of the workmen in the steel mills would vote with practical unanimity in favor of total prohibition, although some of the husbands might, perhaps, be in favor of the sale of beer and light wines.

All in all, however, there is no doubt that a large preponderance of the workmen of this country are in favor of the prohibition of the sale and use of all intoxicants from the

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Evangeline Booth

Commander, The Salvation Army

DURING the years that preceded the coming into effect of the prohibition amendment the air was filled and the public fed with the most dismal predictions. We were to see disaster in almost every conceivable department of life. The government would go into liquidation because of the loss of taxes.

What utter nonsense these vain predictions have proved to be. Our government has shown no signs of bankruptcy. It is delivered from its unholy alliance with blood-money as one of its sources of support and is apparently unembarrassed by the saving of five billion dollars. The corners vacated by saloons are not desolated wastes, but are occupied with profitable and reputable business.

There are evidences of prosperity around us everywhere. There are ten million automobiles in the United States.

There is more building of homes than ever before, despite exorbitant prices. Workmen of all trades are erecting homes that cost ten and fifteen thousand dollars.

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Con

Frederick W. Brill

Brill Car Company, Philadelphia

PROHIBITION has not fulfilled what its proponents have promised. It has not reduced taxes; and it has not increased the efficiency of the workingman. The reason that it has not reduced taxes is because we are paying more taxes. The reason it has not increased the efficiency of the workingman is because I know thousands of them. We employ some 3,000 normally.

I notice a great many cases of stomach trouble. There has been a vast increase of such cases. In our plant, and in other plants in Philadelphia, there are dispensaries maintained by the factories. The universal opinion is that these stomach troubles are caused by the drinking of bad liquor. Of course, it may be asked, Why do men drink bad liquor? Because they can not get good liquor. That is the only answer I know. They want it, and you can not stop them from getting it.

Before prohibition, there were saloons, one or two of them, adjacent to our works; and we had them controlled and they were kept pretty well in hand. If a man was drinking too much, we would give him a talking to. We had the drinking question, the drinking of strong liquor, pretty well in hand. Now, we can not control it at all.

If a man had mild liquor to drink, it is my opinion, and the opinion of most of the workmen I have talked to, that they would not care for the hard liquor.

A law for light wine and beer would enable the workingman to get honestly a beverage that he would enjoy in his home, with his family, and would increase his efficiency in the work—I mean in any work, not in ours alone; I mean in any work throughout the United States.

The Railway Car Manufacturers' Association employs some 200,000 or 300,000 men. I will read you what it says: "Prohibition has had a serious effect on labor and the 'moonshine' in which the men now indulge unfavorably affects the regularity of their attendance. On Mondays following pay days this condition is worse than ever before."

That is in line with our own experience.—*Extracts, see p. 35.*

Samuel Gompers

President, American Federation of Labor

THE question as to the effect of the manufacture and sale of a beer of 2.75 per cent in weight, what influence it would have upon the enforcement of the general prohibition amendment of the Constitution, or a law passed in pursuance of that amendment, I think I might answer in a sentence by saying that in my judgment it would transform the people of the United States from a whiskey drinking to a beer drinking people.

It is not merely the question of what amount of kick there is in the beer, but the fact that it is drinkable. That which we now have and call near beer, with less than a half per cent of alcohol, is not drinkable; it is not palatable, it is not good, it is no part of a meal, nor can it be made a part of a meal.

May I submit to the committee the facts of the charges that are usually made against those who advocate the modification of the Volstead Law? Among other things, the

Continued on next page

Pro—continued
 Evangeline Booth—*continued*

Now our adversaries declare they have a case against prohibition. They say: "Prohibition does not prohibit."

It is rather strange that our enemies blow both hot and cold. We hear much about the drastic nature of the Volstead Act. It seems to prohibit overmuch, and our friends say: "We would be satisfied if they would allow light wines and beers." Then with almost the same breath they say: "Prohibition does not prohibit." If it doesn't then the "wets" are well served. But they know it does, and that every time they slake their thirst with the forbidden beverage they are breaking the law. This, in the drinkers' realm may not be looked upon as particularly bad, but then drink is always true to form, and in the days when it was legalized its devotees were the most flagrant breakers of the law in the land. Drink will not be regulated. Its law-breaking proclivities are not new, but are as old as history. As a breaker of the law—be it laws of nature or laws of nations, laws of health or laws of home, laws of mind or laws of morals, the drink stands condemned—the red-handed criminal, the greatest law breaker in the land.

That there are violations of the law all admit, but to cite that fact as an argument against the prohibition law is as futile as it would be to demand the cancellation of the whole decalogue because of repeated infraction of that law which is fundamental to all jurisprudence. It would be about as sensible to engage in an effort to expunge the Ten Commandments from the Book of God because of their non-fulfillment in the lives of men as it is to advance the theory that the prohibition law should be repealed because it does not prohibit.

Because the laws against arson, theft and murder are being violated, shall we abandon these laws and their penalties? Certainly not; and by the same token the Eighteenth Amendment and its supporting law must stand.

That splendid American, the Honorable Charles E. Hughes, Secretary of State, says:

"Everybody is ready to sustain the law he likes. That is not in the proper sense respect for law and order. The test of respect for law is where the law is upheld even though it hurts."

We have nothing to fear at the hands of the out-and-out "wets." They constitute a dismal and discredited minority. The compromisers are the bane that threatens the nation's prohibition policy. The menace of their position lies in the thought that light wines and beers are effectively divorced from the saloon and that the one can exist without the other. They say, "No saloon—it is gone forever—but give us light wines and beers."

Former President Taft, the present Chief Justice of the United States Supreme Court, says:

"As a matter of fact I am not in favor of amending the Volstead Act in respect to the amount of permissible alcohol in beverages. I am not in favor of allowing light wines and beer to be sold under the Eighteenth Amendment. I believe it would defeat the purpose of the amendment. No such distinction as that between wines and beers on the one hand and spirituous liquors on the other is practicable as a police measure."

When decent people talk of bringing back beer and wine without the saloon they, of course, do not realize that more than ninety per cent of the alcohol consumed before prohibition was beer. They do not realize that if we bring back beer we will bring back more than nine-tenths of the old liquor traffic.

What has been done in some states should be done in all, namely, getting the text-books of the schools to tell the simple truth concerning the baneful effects of alcohol. The

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Con—continued
 Samuel Gompers—*continued*

charge that we represent either the liquor interests or the brewery interests, or that we do not represent—and that particularly I do not represent, when asking for the repeal or modification of the Volstead Act—the views of the men and the women in the organized labor movement of America.

The charge is a serious one. If true, no such man ought to have the effrontery to appear before a committee of the Congress of the United States.

I believe in the principles of freedom. I have had the word "freedom" as my guiding spirit, the guiding spirit of whatever there is in me and of me, and that which I could do; a freedom within justice and the law; and I count it one of the sources of pride that from my early young manhood I have protested against this movement of prohibition by law. You cannot make men sober by law.

I have endeavored with my associates to try and bring some degree of comfort and safety in the lives and the work of the great masses of the toiling people of America, so that, with better homes and better working conditions, and better standards of life and living, they would not require the artificial stimulants found in alcoholic drinks. The fact of satisfaction, not gluttonous nor bibulous, but satisfaction physical and mental and spiritual. It is the long-houred man or the loafer, whether he be rich or poor, who is the drunk. The eight-hour worker, the man who works the normal work day, is not the habitual drunkard. It is the long-houred worker who, having the spirit crushed out of him by his day's labor, today who requires the artificial spirits to stimulate him. And it has been the movement, the much misunderstood and misrepresented organized labor movement of America, that has been more for true temperance than all the goody-goody welfare uplift organizations all over the country.

At the Portland convention of the American Federation of Labor, held in October, 1923, a resolution was presented and adopted in favor of the modification of the Volstead Law, declaring for the manufacture and sale and use of a wholesome beer of 2.75 per cent. That resolution was adopted after some discussion, and the vote was overwhelming. There were three or four delegates who desired a roll call or an aye and nay vote. There was an insufficient number to call the roll. One of the delegates arose in the convention and asked that he be recorded by the secretary as voting in the negative upon the resolution. There was no other.

The president of the National Trade Union, the same union of which this delegate was a member and represented, this president in the convention arose and said: "The vote of the delegate in opposition to this resolution is in contravention of the opinion of the men and the organization he represents."

The danger is less to the mature men and women than it is to the young. The young men and the young women—I have no indictment to present against anyone, and certainly not against a group of people—but the stories that come to me from reliable sources of these dance affairs, and the young fellow has not a chance of a dance with a girl unless he has something on his hip, those things I hear about. I know men, and I know something of the psychology of men and the influence of this present law is vicious in every respect. I do not want to indulge in any invective or attack upon any party or office of government, but God knows the disclosures of these past few months should arouse us to what is going on—the corruption, the suggestion of corruption, the widespread influence that it has upon the minds of our people; largely true or partly false, probably largely false and only

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Is National Prohibition a Success?

Pro

Edwin C. Dinwiddie, D. D.

Superintendent of National Temperance Bureau

THE country faces the peculiar spectacle of the most persistent and systematic "welching" by a class of citizens and resident aliens who formerly delighted in being regarded "good sports." Fairly outgeneraled and honestly beaten in the long campaign for national prohibition, this element has promoted nullification and fought necessary processes for prohibition enforcement, and then exhibits the colossal nerve to use their own violations and those of others they have inspired or encouraged, as the most potent reasons why prohibition should be repealed or its rigors mitigated.

Undoubtedly there are too many drinkers of intoxicating liquors and too much drinking, but no well-informed person, except regular liquor propagandists, will doubt that there has been a great decrease both in the number of drinkers and the amount of liquor consumed.

No student of human nature or of this reform expected the adoption of the amendment and the passage of the enforcement code would cause everybody to stop buying and using liquor. On the other hand, neither did many of the leaders who knew the liquor traffic well and had become familiar with the power of appetite, expect such open violations of law as we have witnessed, and which have been so freely and often boastfully acknowledged.

The experience of the nation since 1920 in enforcing prohibition is a repetition on a larger scale of what Maine, Kansas and North Dakota endured for many years. But the benefits of prohibition in those States by far outweighed its failures, and political parties therein that had year after year fulminated against its continuance, finally joined in the demand for its maintenance and enforcement, and prohibition in those States became a permanent policy.

For some months following January 16, 1920, there was a fair observance of the law, with the usual expected results of less drunkenness, fewer arrests, diminished admissions to hospitals from alcoholism, reduction in demands upon charity and similar beneficent results, even in the centers of population and nullification. But the failure to appoint officers in many cases, who could be expected to enforce the law, coupled with the natural reaction after a long and tedious campaign, all conspired to entrench corrupt officials and cripple enforcement. The liquor forces were prompt to take advantage of this situation, misconstrue it and accentuate it to the fullest possible degree.

An added embarrassment to enforcement was the indifference of State and local officials in many sections who shifted to the Federal Government the entire responsibility for ferreting out violators of the law and seeing that it was enforced. It had never been expected that State and local authorities would abdicate their duties and responsibilities and place on the national authorities the enormous task of policing our entire territory.

What we need at this time is not so much additional legislation as a thorough-going enforcement of the laws we have, without fear or favor; directed alike, and therefore impartially, against the rich as well as the poor;

Continued on next page

Con

W. H. Stayton

Executive Vice President,

The Association Against the Prohibition Amendment

THE prohibition law will never be enforced.

Try as we may to believe that the American people are law-abiding and staunch supporters of the laws on our statute books, we cannot but arrive at one conclusion, viz: that the national prohibition law is discriminatory class legislation. In practice it has been found to operate unequally. The rich continue to drink, but the poor have been denied their favorite beverage—a wholesome beer of low alcoholic content. Such a law can never be enforced because it can never command popular respect. Furthermore, prohibitory legislation enacted at the behest of a minority will always be held in contempt and disrespect by the majority.

We may today carry out the suggestion of Mr. Henry Ford (who recently announced that he would discharge any employee presenting himself for work with liquor on his breath) that the Army, Navy and Marine Corps be employed to carry out the provisions of the Volstead Act, and yet, judging by the nation's experience over the past four years, we will have wholesale violations and heavier tax burdens to meet. We may even enact into law the Cramton bill clothing the 1,000 Washington policemen with powers of Federal enforcement agents, and the violations instead of being lessened, will increase, if the past is any criterion.

It is generally true that the larger the number of government, State and local officers engaged in attempted prohibition enforcement, the more arrests; but, it must be remembered that increased arrests tend to show conclusively the unpopularity of the law and the consequent impossibility of its enforcement. Our jails and prisons have been crowded to capacity for the last four years with persons who have failed to obey a law, in the framing of which they had no hand. Instead of this being a lesson to other persons, violations have steadily increased until, today, reports made by the various branches of the enforcement unit show that more people violate the law than ever before.

Each year, Prohibition Commissioner Haynes has asked Congress for large appropriations to enforce the Volstead Law. Each year these estimates have far exceeded those of the previous year and now the Budget Bureau is considering the request of Mr. Haynes for an appropriation slightly in excess of \$25,000,000, a small portion of which would be used for prohibition enforcement by the United States Coast Guard. Large amounts have been spent in equipping and operating a "rum fleet" of revenue cutters to prevent liquor-laden ships from reaching the United States and landing their cargoes. But violations of the law have increased with the increased vigilance of the Federal Government.

One of the important factors in bringing about the present state of contempt for and disobedience to the Volstead Law is found in the public's knowledge that those who drew the law and voted for its passage do not even pretend to obey it. People with ideas of liberty are not inclined to obey laws confessedly hypocritical and concededly passed by hypocrites. Indeed, the student of government will find in this instance something graver

Continued on next page

*Pro—continued*Edwin C. Dinwiddie, D. D.—*continued*

against those who may be high in political party councils as well as humbler citizens who have no special influence to call off arrest or prosecution. To effectuate this a policy should be established to appoint only persons of known ability and honesty to positions connected with prohibition enforcement and a prompt severance of those who are merely place-hunters or worse, who seek positions in the service in order to betray the cause. In view of the special assault on the prohibition law, the utmost care should be exercised in the appointment of judges, district attorneys, marshals, and others charged with the administration of law.

Dry sentiment in the United States is stronger, millions stronger, than the wet propagandists who live chiefly in the cities of the East, are willing to admit—probably stronger than they realize. The alien population in the larger cities and towns along the Atlantic seaboard, the proximity of rum row which has made it easier to secure contraband booze, and other conditions have tended to make and keep the States of these sections wet and enforcement hard to accomplish, but from the Alleghanies to the Rockies and through the South, which went dry before the Eighteenth Amendment was adopted, there is entrenched prohibition sentiment which cannot be overcome by wet sophistries.

When it is known that violators of the law will not be appointed to federal offices, nor retained if already in the service; that political influence cannot be successfully invoked to escape detection, prosecution and adequate sentence for violation of the law, nor to secure pardon after conviction, enforcement will be made more certain and successful. No political party and no candidate for office dare announce a platform of non-enforcement or nullification, and more and more with the years the voters are going to demand that performance square with promise.

Prohibition at its worst has been shown to be better than the old license-saloon system at its best. The reports of public welfare and social service agencies, savings banks, department stores, and other business institutions catering to the wants of the masses, building and loan associations, real estate organizations, responsible heads and officers of hotel and bank associations, have all borne unimpeachable testimony to the beneficial results of the prohibition policy. As actual results in the communities and States where it had been fairly tried were responsible for the spread of prohibition until thirty-three states adopted it themselves prior to the national amendment, so will improved moral, economic and political conditions under our national policy operate within a reasonable time to insure its maintenance and proper enforcement throughout the nation.

*Pro—continued*Evangeline Booth—*continued from page 25*

brewers bid heartlessly for the children. Let us see that the schools so instruct them that the coming generation, growing up without alcohol, educated in the history of its abuses against hygiene, commerce and morality, will, as a matter of course, sustain their government's banishment of their parents' and grandparents' foe.—*Continued on page 30*

*Con—continued*W. H. Stayton—*continued*

than even hypocrisy. For our federal officials, even those in very high places, do not hesitate to say, in effect, "Yes, I disregard the Volstead Act, for I am a gentleman and an educated man and I know how to drink and when to stop. The law was not intended for such as we are, but for the other class of our people, and it is for their good to have it." No man knows what may happen in a Republic when those who make, administer and execute the laws have come to think of "their people" much as they do of "their cattle." Certainly this is not democracy, and certainly the "cattle" are going to continue their resentfulness and work for a change.

Prohibitionists cry out that the people are wrong and should obey the law. The people answer that it is the law which is wrong, and that it should be changed.

Why this law should be held in such contempt by the people who are otherwise law-abiding is still a matter of controversy. Some condemn it for one reason, some for another. A leading New England newspaper sees in the public's attitude a warning that we should "begin a serious study of all laws which do not command public favor" because in a Republic "a law which does not command public support is not a law—it is a form of tyranny."

One who studies the psychology of the subject is inevitably struck by the anomaly that while State prohibition laws are generally obeyed and respected, people seem to feel it a sort of duty to flout the Volstead Act. And inquiry quickly reveals at least one reason—a belief that the law was passed not by a man's neighbors, who had an interest in him and his affairs, but by someone living at a distance, by strangers acting in a spirit of meddlingness.

No good can come from merely berating the public because a law is disobeyed. There are two sides to the subject. Undoubtedly, there is an obligation on all of us to obey the law, but in a free country there is a corresponding obligation on the part of the lawmaking bodies to enact only such measures as are fair and reasonable and will command the support of public opinion. Those lawmakers who foisted national prohibition upon us committed the first and the great wrong, and upon them rests the responsibility for our present lawlessness.

*Con—continued*Samuel Gompers—*continued from page 25*

partly true—but too much of it for the good of our Republic.

No one of us wants the old-time saloon to come back, but we do want the opportunity of drinking a glass of beer and weaning away people from hard liquors and hooch and bring a little more confidence and mutual respect into the institutions and laws of our country.

I understand that the courts have decided that a beer of 2.75 per cent in alcohol by weight is not, or that the scientists before the court, have decided that it is not an intoxicating beverage, and that therefore 2.75 is in line with and not in conflict with the amendment to the Constitution.—*Extracts, see 9 p. 35.*

The Prohibition Unit—Its Organization and Functions—*continued from page 8*

beverages, distilled spirits, butter, oleomargarine, fats and oils. In addition to the Washington laboratory there are eight branch laboratories in the field to help with this work. This Division also administers certain features of the general internal revenue laws relating to bonded warehouses, and is charged with the work in connection with the concentration of distilled spirits.

Since the passage of the Treasury Appropriation Act, for the fiscal year ending June 30, 1923, which carried a provision known as the "Concentration Act," the number of bonded whiskey warehouses for storage of large consignments by individual owners which is untaxed whiskey until removed, has been reduced from 296 to 85. Of this number, 27 have been designated by the Commissioner of Internal Revenue as official concentration warehouses. This effects an annual saving to the Government in excess of \$300,000 in guarding costs, and insures greater security. At the present time, there are approximately 33,000,000 gallons of liquor, original gauge, in these bonded warehouses, available for withdrawal on permits for medicinal use.

Permit Division

Every drop of liquor legally used in United States today must be secured under permits of various kinds. Every manufacturer of industrial alcohol or cereal beverages operates under a permit. This Division passes upon all bonds required in certain permits to ascertain if they are properly executed; establishes standards for medicinal and toilet preparations and flavoring extracts; receives, files and checks withdrawal permits from the field to ascertain whether permittees have been allowed to withdraw amounts in excess of the amounts allowed by their basic permits.

In order to insure uniform and thoroughly considered action on the part of the Government in matters connected with the control of basic permits issued, a committee composed of seven members of the Prohibition Unit has been created, known as the Central Committee, which considers applications for basic permits of the more important and troublesome classes such as dealcoholizing plants, alcohol and denatured alcohol manufacturers.

Pro—continued

James J. Britt—*continued from p. 19*

bition, with the result that in my judgment, after you have excluded rum running, which is the greatest evil today against the prohibition enforcement, and look at the problem internally and domestically, the bulk of the evil in prohibition enforcement today results from the distribution, transformation, and use of alcohol.

Now, that is said notwithstanding the very respectable gentlemen who get it for their lawful purposes and use it for lawful purposes, and who cannot know, as one in my position can know, how much of it is used for unlawful purposes. If you could find any line of separation of the allowance of lawful and unlawful alcohol, then your plan would be feasible. In my judgment, it is absolutely impossible, not workable, and it could not obtain without very great detriment and confusion greater than we have now.

Continued on next page

Audit Division

The functions of this Division comprise the assessment of taxes and penalties and the keeping of accounts relative thereto in all cases involving liquors and narcotics; briefing offers in compromise and consideration and recommendation of action thereto where liability is incurred under bonds given to insure proper uses of certain kinds of liquors by manufacturers; examination and audit of returns and accounts relating to and proper accounting of (a) untaxed spirits in Government bonded warehouses or removed therefrom free of tax, (b) denatured alcohol shipped to or in possession of manufacturers, dealers and users, (c) liquors in wineries, storerooms, breweries, and dealcoholizing plants, and (d) liquors dispensed on physicians' prescriptions.

In the Field

There is a Federal Prohibition Director in each state and territory, responsible for administration of both the permit and enforcement features in his jurisdiction, except in the states of Pennsylvania and New York, where the enforcement work is directed by the Chief, General Prohibition Agents. These Directors are under the supervision of the Assistant Prohibition Commissioner and are regularly inspected by the Field Supervisor's Force. Federal Prohibition Directors make recommendations on applications for basic permits within their respective states and issue withdrawal permits for intoxicating liquors, for medicinal purposes, in their jurisdiction. The Federal Agents under the supervision of the Federal Prohibition Director are also shifted to various sections of the country when occasion requires. These agents keep a constant check on all permittees, inspect drug stores and conduct raids.

Narcotic Division

In addition to the work of enforcing the Prohibition Laws, the Prohibition Unit also handles all work incident to the administration of the Harrison Narcotic Act and the permissive features of the Narcotic Drugs Import and Export Act.

Con—continued

H. S. Chatfield—*continued from p. 19*

our commercial interests are to be handicapped, pestered, annoyed, bothered, and restricted because occasionally a few gallons of alcohol are diverted, my feeling is that Congress is not looking after the best commercial interests of the country.

We as manufacturers and merchants—and I do feel that I represent a very large portion of them in our line in this country—want all the restrictions you can put on beverage liquors. Put it in a separate class, but keep our business, which means the money to pay taxes and everything of that kind—keep that lawful business in the hands of men who know the game.

Now, if those years of building up of that corps of officers in the Internal Revenue Bureau is going to be sacrificed because one portion of the government is inefficient, I feel that the industries of the country are being unfairly treated.

We have had enough experience so far with the dual management between the Prohibition Unit and the Bureau

Continued on next page

*Pro—continued*James J. Britt—*continued*

I have no doubt that the legitimate user—and he is in the majority always—I have no doubt that he is harassed in the enforcement of the law.

I understand the contention of the manufacturers and users of alcohol who carry on honest industry, and I sympathize with them and desire to protect them; I desire not to interfere with them at all in the enforcement of the law, but if a great sluice of violations results from the enforcement of the law with regard to alcohol, which violates the Eighteenth Amendment and prohibition laws, and the prohibition unit or the new bureau undertakes to carry out the law how can it fail to interfere with the violations, whether they come from the rum runner, or from the channel of alcohol, or from the remaining liquors in the stores of the old-fashioned distilleries. So far as the potable liquors in the country are concerned in the warehouses and in the concentration warehouses, violations in that particular are growing less constantly, and while there is not total enforcement here, to my knowledge, there is a very large percentage of control in that particular.—*Extracts, see 3 p. 35.*

*Pro—continued*Hon. Wesley L. Jones—*continued from p. 20*

the enforcement of prohibition, says concerning the progress of its enforcement:

They say as much liquor is sold as ever, but the statistics show a tremendous decrease, and this decrease is apparent to any who want to see it. They used to bring liquor in by the carload, deliver it in drays at the principal corners, and bottles were arranged on shelves to lure men to drink. No carload lots are now shipped, they do not deliver it by the dray load at the street-corner saloon, nor is it sold on the principal streets nor exhibited on the shelves. It is brought largely in valises and carried at night through the alleys. This is progress toward the elimination of the evil.

Complaint is made because there are still violations of the law. The law against murder has been on the statute books for over a hundred years, and still some murders are committed and not all murderers are caught. The same is true as to the law against stealing. Last year about 2,500 automobiles were stolen in Philadelphia, and 20 per cent of them were never found. Yet no one suggests the repealing of the law against stealing automobiles.

This is the greatest moral reform ever attempted by law. Its success is wonderful. The change already wrought is not only very great, but it enables us to understand the benefits that will come to the country when enforcement is perfected. The chief cause of nonenforcement is the appointment of wet officials to enforce a dry law and the smuggling of liquors into our country from the outside. This will be corrected, first, by the appointment of officials to enforce the law who are in sympathy with the law and its enforcement; and, second, by serving notice on our neighboring countries that their flags are being used to protect smugglers.

B. E. Neal, president of the 45 Neal Institutes for the treatment of the drink habit, said recently:

During the 12 years before the Volstead Act became effective we treated more than 125,000 drinking men and women. Chicago and Cleveland institutes treated more than 100 patients a month; Los Angeles and San Francisco averaged 25 to 30 a month. Today Neal Institutes still operating do not average 2 patients a month. Drinkers are not turning to the use of drugs.

The health department of the Scientific Temperance Federation of Boston shows the proportion of deaths from alcoholism in New York City before and after prohibition—1916, 687; 1920, 98.

Two-thirds—345—of 526 labor leaders interrogated in March, 1920, as to whether prohibition had been a benefit to the workmen and their families, replied "Yes," many

*Con—continued*H. S. Chatfield—*continued*

of Internal Revenue. I am carrying no brief for or against prohibition; but we want the industrial alcohol business left with the Commissioner of Internal Revenue and his collectors and deputy collectors, who know. And we question if it is good policy for this country to throw away that experience, that machinery that has been built up, and put it over into people's hands who do not know, in whom we have as manufacturers, I regret to say, no confidence.—*Extracts, see 3 p. 35.*

*Con—continued*Hon. William Cabell Bruce—*continued from p. 20*

house not built with hands;" instinct and radiant with warm sensations, desires, and appetites implanted in us by God Himself, with the intent that they should be fully indulged in every respect so long as not abused. In these truths are the real insurmountable obstacles to the effective enforcement of absolute national prohibition.

Manifestly the thing for the people of the United States to do is to extricate themselves from the bog in which they are now floundering and to get back to the solid highway that before the adoption of national prohibition was safely conducting them to higher and higher levels of temperance. There is not a man within the sound of my voice who cannot say from personal observation that prior to the event the inhabitants of the United States were becoming more and more temperate or, in other words, more and more civilized; for advancing civilization is but another term for increasing self-restraint. They were drinking, of course, as they had always been doing, but they were drinking less and less in saloons and clubs and more and more only in their own homes as a part of their meals.

To the saloon, I trust, we shall never revert. So far as I know, there is no desire on the part of any of us to revert to it; but better the open saloon than the secret means to which the American must now resort to obtain drink.

Let the Federal Government repeal the Volstead Act and permit the people of each of the 48 States of the Union to pursue any policy in regard to the sale or the use of liquor that they may choose to do, subject to the limitations of the Eighteenth Amendment as interpreted by the courts. Then if there should be any State in the Union that wished to permit its people the use of light wines and beer within those limitations, it could do so without denying to any other State the privilege of pursuing an opposite policy. Under such conditions the bitter resentment that is now felt toward the Federal Government, because of its exasperating interference with the exercise of human liberty in a perfectly legitimate sphere of human enjoyment, would die down; the appalling and widespread lawlessness that now exists would abate; and the confidence of the American citizen in the wisdom and justice of his Government would be reestablished.—*Extracts, see 1, p. 35.*

emphatically. The replies indicated that they had been made with great care, and nearly a third of the cases after a poll was taken on the question at the regular meeting.

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Pro—continued

Hon. Warren G. Harding—*continued from page 21*

which should be exercised by the States. Instead of being an assertion of State rights, it is an abandonment of them; it is an abdication; it amounts to a confession by the State that it doesn't choose to govern itself but prefers to turn the task, or a considerable part of it, over to the Federal authority. There could be no more complete negation of State rights.

The National Government has been uniformly considerate of the sensibilities of the States about their rights and authorities. But when a State deliberately refuses to exercise the powers which the Constitution expressly confers on it, it obviously commits itself to a policy of nullifying State authority, the end of which we are reluctant to conjecture.

The policy of nullification has never appealed strongly to the American people. There are some historical records regarding efforts of States to nullify national policies; but the spectacle of a State nullifying its own authority, and asking the national sovereignty to take over an important part of its powers, is new. When the implications of this strange proposal are fully understood by people and parties devoted to preserving the rights of the States, the new nullificationists, I venture to say, will discover that they have perpetrated what is likely to prove one of the historic blunders in political management.—*Extracts, see 6 p. 35.*

Elbert H. Gary—*continued from p. 24*

standpoint of good morals, good economics and peaceful social relations.

We should all remember constantly that if any one law is broken and the offender is unpunished or unprotected, some other person may decide to take the same course with respect to another law. It is a simple but important fact that the only safety of this country is found in the adoption and enforcement of laws which are calculated to protect all the people and which discriminate against none.—*Extracts, see 7 p. 35.*

Hon. Louis C. Cramton—*continued from p. 17*

In addition to their interest as good citizens in law enforcement, the drug trade, wholesale, retail and manufacturing, have a very real pecuniary interest in the elimination of the law breaker who engages in their business as a cloak to illegitimate trade. It would be a fine thing if the National Association of Retail Druggists could give us in this fight the help we are entitled to expect from them.

Hon. Wesley L. Jones—*continued from p. 30*

These are but samples of results in nearly every city and town in the country showing the universal effect of prohibition upon drunkenness and its related crimes. The absence of the customary drunks from the streets of nearly every former wet city, as our own observance testifies, is a tribute to the value of national prohibition which cannot be refuted. Prohibition is proving to be its own best advocate in its exhibit of results, despite the clamor about its non-enforcement.—*Extracts, see 4 p. 35.*

Con—continued

Hon. Alfred E. Smith—*continued from page 21*

The repeal of the Mullan-Gage law will do away entirely with the possibility of double jeopardy for violation of the laws enforcing the Eighteenth Amendment. By that we mean that no citizen shall be twice punished for the one offense.

Under the United States Supreme Court decision in the Lanza case, a citizen is today subjected to double trial, and even to double punishment for a single offense, because such alleged offense is a violation of both the State and the Federal law. This is an unwarranted and indefensible exception to the fundamental constitutional guarantee contained in both the Federal and State constitutions, that no persons shall be twice tried or punished for the same offense.

I am not discussing the wisdom or unwisdom of prohibition. The question is rather whether all vestige of the rights of the States guaranteed by the Federal Constitution is to be driven from our political theory of government. As the Chief Executive of the greatest sovereignty in the Union, it is my duty to declare and maintain that sovereignty in exact accordance with the guarantees of the Constitution.

This does not mean that a State has any right or power to enact any law that in any way infringes upon a constitutional act of Congress, but it does mean that the Federal government has no right to impose upon the State any obligation to pass any statute affirmatively embodying any Federal statute.—*Extracts, see 5 page 35.*

Nicholas Murray Butler—*continued from p. 22*

quite subsidiary consequence when contrasted with the provisions upon which our form of government rests.

Those who remain satisfied to demand the enforcement of a demonstrably unenforceable law must accept responsibility for being the silent partners of the bootlegger and a powerful contributing cause to that spirit of lawlessness which threatens the foundations of our whole social and political order.—*Extracts, see 14 p. 35.*

Pro—continued

Evangeline Booth—*continued from p. 27*

The Salvation Army knows that alcoholic liquor is dangerous to all. Officers of The Salvation Army have been at work for over fifty years in the underworld. They have found that the majority of those who have fallen have been brought down by drink, and that the victims of this evil are of all grades of society. No home, no walk of life, no profession, no class is free from its menace. And no precaution but that of total abstinence gives safety. The only safe way for all, rich and poor alike, is to shut alcohol out entirely and forever. Above politics; above considerations of creed or race; above vested interests; above selfish pleasure, let the voice of the people be heard in an overwhelming 'No!' whenever the question is asked "shall America go back?"

President Harding said:

"In the face of so much evidence on the point, what conscientious man would want to let his own selfish desires influence him to vote to bring it back? In another generation I believe that liquor will have disappeared not merely from politics, but from our memories."—*Extracts, see 11 p. 35.*

The U. S. Coast Guard—Its Task In Enforcing the Eighteenth Amendment

Continued from page 9

dertook this arduous and trying task cheerfully and zealously as a duty to be performed. It soon became evident that the resources of the Coast Guard, already taxed to the limit in the performance of its normal peace time duties were not adequate to meet this new and unparalleled condition. Vessels of the Service were designed to assist life and property at sea and to serve with the Navy in time of war. They were not intended to apprehend small motor launches operating at high speed in the darkness. It was apparent that the situation could be coped with successfully only by augmenting the Coast Guard with specialized equipment and increased resources.

On February 1, 1924, the President transmitted to Congress estimates for increasing the equipment and personnel of the Coast Guard to enable the Service to combat liquor smuggling from the sea, and Congress, recognizing and appreciating the situation, appropriated funds to increase temporarily the Coast Guard for law enforcement. The Act of Congress, approved April 2, 1924, made available funds for reconditioning 20 destroyers transferred from the Navy to the Coast Guard, and for the construction of a fleet of motor boats especially adapted to the work in hand, and the Act of Congress approved April 21, 1924, authorized a temporary increase in the personnel of the Service.

The recruiting, organizing and training of this additional personnel, which practically doubles the enlisted strength of the Service, the reconditioning of former Navy craft, the designing of motor boats and their engines, the preparation of specifications and awarding of contracts, the inspection of construction work in boat-building plants all over the country, the procurement of supplies and equipment, the careful selection of temporary officers by competitive examinations,—all these matters, with many other details, in addition to carrying on the regular work of the Service, constitute a task of great magnitude for a service as small as the Coast Guard. Nevertheless, the enlargement program of the Coast Guard is progressing smoothly and expeditiously and precisely as planned. As the new equipment is completed it is being placed promptly in service and the resources of the Coast Guard are being steadily augmented for the tremendous task that has been placed upon it.

The Coast Guard is under no misapprehension as to the magnitude of the job it has to do. Its officers are entirely familiar with the difficulties that confront them. They know the great extent of our coast lines, with their in-

numerable harbors of refuge for fleeing rum runners and of the vast number of speedy launches that swarm around the rum fleets lying off our coasts. They know of the lack of interest toward this particular work of law enforcement, and, indeed, of sympathy for the rum runner, to be found in many places among the coastal population. They have had experience with the technicalities of the law and the law's delays. They know what it is to be on patrol at sea for days at a time in all kinds of weather, to seize a vessel running liquor and take her into port, to leave their station and travel miles at great inconvenience to attend the hearing, to be there subjected to exasperating cross examinations by bootleg lawyers, to see the vessel they have caught red handed possibly released on some technicality or condemned, sold and bought back by her same owners for a nominal sum, and, upon returning to their wearisome patrol, to find that very same vessel back again in the rum running game having sustained through her seizure a financial loss that can be recouped by running a few cases of whiskey ashore any dark night.

Coast Guard officers know that their service has had imposed upon it a tremendous task, more arduous and more difficult than ever before assigned to a seagoing force in time of peace. But they, and the enlisted men under them, are undertaking this big job energetically, efficiently and zealously. Why? Because they look upon the whole matter as something in the line of duty. A splendid record of service in peace and in war, covering over a century and a quarter of our national life, tends to crystallize pretty thoroughly standards of devotion to duty in any organization. The Coast Guard is in this fight to uphold the honor and dignity of the Constitution of the United States as it has done since 1790.

No military organization in the world has higher traditions or standards of service or a finer spirit of devotion to duty than has the United States Coast Guard. These assets the Service has and they are far more important even than additional vessels and motor boats. Throughout its long history the Coast Guard has never yet failed in any task assigned it. It now faces the greatest and most trying task in its long history but officers and men, with one accord, are going into this fight to uphold the Constitution with a splendid determination to give the best that is in them to the end that the proud record of the Coast Guard shall not suffer.

A Digest of the Principal Provisions of the Volstead Act and Supplementary

Legislation—continued from page 4

equity cases. If it is made to appear by affidavits or otherwise, to the satisfaction of the court, or judge in vacation, that such nuisance exists a temporary writ of injunction shall forthwith issue restraining the defendant from conducting or permitting the continuance of such nuisance until the conclusion of the trial. If a temporary injunction is prayed for, the court may issue an order restraining the defendant and all other persons from removing or in any way interfering with the liquor or fixtures, or other things used in connection with the violation of this Act constituting such nuisance. No bond shall be required in instituting such proceedings. * * *

"Upon judgment of the court ordering such nuisance to be abated, the court may order that the room, house, building, structure, boat, vehicle, or place shall not be occupied or used for one year thereafter; but the court may, in its discretion, permit it to be occupied or used if the owner, lessee, tenant, or occupant thereof shall give bond with sufficient surety, to be approved by the court making the order, in the penal and liquidated sum of not less than \$500 nor more than \$1,000,

payable to the United States, and conditioned that intoxicating liquor will not thereafter be manufactured, sold, bartered, kept, or otherwise disposed of therein or thereon, and that he will pay all fines, costs and damages that may be assessed for any violation of this title upon said property. * * *

"Any violation of this title upon any leased premises by the lessee or occupant thereof shall, at the option of the lessor, work a forfeiture of the lease. * * *

"In the case of the violation of any injunction, temporary or permanent, granted pursuant to the provisions of this title, the court, or in vacation of a judge thereof, may summarily try and punish the defendant. Any person found guilty of contempt under the provisions of this section shall be punished by a fine of not less than \$500 nor more than \$1,000, or by imprisonment of not less than thirty days nor more than twelve months, or by both fine and imprisonment."

Continued on next page

Tax Laws not Repealed.—"This Act shall not relieve anyone from paying any taxes or other charges imposed upon the manufacture or traffic in such liquor. * * * Upon evidence of such illegal manufacture or sale a tax shall be assessed against, and collected from, the person responsible for such illegal manufacture or sale in double the amount now provided by law, with an additional penalty of \$500 on retail dealers and \$1,000 on manufacturers. The payment of such tax or penalty shall give no right to engage in the manufacture or sale of such liquor, or relieve anyone from criminal liability."

By Sec. 5 of the Act, it is provided that all penalties for violations of the Internal Revenue laws that were in force when the National Prohibition Act was enacted, shall continue in force as to both beverage and non-beverage liquor but if any act is a violation of any such laws and also of the National Prohibition Act, a conviction for such act under one shall be a bar to a prosecution therefor under the other.

Officers Charged with Enforcement.—"The Commissioner of Internal Revenue, his assistants, agents, and inspectors shall investigate and report violations of this Act to the U. S. attorney for the district in which committed, who is hereby charged with the duty of prosecuting the offenders, subject to the direction of the Attorney General. The Commissioner of Internal Revenue is empowered to issue regulations for the enforcement of the Act subject to the approval of the Secretary of the Treasury." The Section also authorizes State courts and magistrates having authority under State law to issue search warrants and warrants of arrest for offenders against the Federal statute. Such offenders are required to be certified to the U. S. district court having jurisdiction for trial.

Search and Seizure.—Search warrants must be issued in conformity with the provisions of Title II of the Espionage Act approved June 15, 1917. Sec. 2 provides that State magistrates and courts mentioned in Sec. 1014 of the Revised Statutes are empowered to issue such search warrants. "No search warrant shall issue to search any private dwelling occupied as such unless it is being used for the unlawful sale of intoxicating liquor, or unless it is in part used for some business purpose such as a store, shop, saloon, restaurant, hotel, or boarding house. The term 'private dwelling' shall be construed to include the room or rooms used and occupied not transiently but solely as a residence in an apartment house, hotel, or boarding house. The property seized on any such warrant shall not be taken from the officer seizing the same on any writ of replevin or other like process." Sec. 6 of the SUPPLEMENTAL PROHIBITION ACT provides that any officer who shall search any private dwelling without a search warrant or who, while so engaged, shall, without a search warrant, maliciously and without reasonable cause, search any other building or property, shall for a first offense be fined not more than \$1,000 and for a subsequent offense not more than \$1,000 or imprisoned not more than one year or both. Whoever not being an officer shall falsely represent himself to be such and in such assumed character shall arrest or detain any person or in any manner search the person, building or property of any person, shall be punished by a fine of not more than \$1,000 or imprisoned not more than one year or both.

Manufacture, Sale and Distribution of Intoxicating Liquors for Non-Beverage Purposes.—Sec. 3 provides that "liquor for non-beverage purposes and wine for sacramental purposes may be manufactured, purchased, sold, bartered, transported, imported, exported, delivered, furnished and possessed, but only as herein provided, and the commissioner may, upon application, issue permits therefor." It is further provided in Sec. 4: "The articles enumerated in this section shall not, after having been manufactured and prepared for the market, be subject to the provisions of this Act if they correspond with the following descriptions and limitations, namely: (a) Denatured alcohol or denatured rum produced and used as provided by laws and regulations now or hereafter in force; (b) Medicinal preparations manufactured in accordance with formulas prescribed by the United States Pharmacopoeia, National Formulary or the American Institute of Homeopathy that are unfit for use for beverage purposes; (c) Patented, patent, and proprietary medicines that are unfit for use for beverage purposes; (d) Toilet, medicinal, and antiseptic preparations and solutions that are unfit for use for beverage purposes; (e) Flavoring extracts and sirups that are unfit for use as a beverage, or for intoxicating beverage purposes; (f) Vinegar and preserved sweet cider."

Provision is made in other sections for the use of liquors for medicinal purposes and wine for sacramental purposes and in Title III for the manufacture and sale of alcohol for industrial purposes.

Regulations for Control of Intoxicating Liquors for Non-Beverage Purposes.—Sec. 6. "No one shall manufacture, sell, purchase, transport, or prescribe any liquor without first obtaining a permit from the commissioner so to do, except that a person may, without a permit, purchase and use liquor for medicinal purposes when prescribed by a physician as herein provided. * * * The commissioner may prescribe the form of all permits and applications and the facts to be set forth therein. Before any permit is granted the commissioner may require a bond in such form and amount as he may prescribe to insure

compliance with the terms of the permit and the provisions of this title. In the event of the refusal by the commissioner of any application for a permit, the applicant may have a review of his decision before a court of equity in the manner provided in Sec. 5 hereof." Provision is also made in Sec. 5 for the revocation of permits by the commissioner after a hearing of the charges preferred against the permittee where it is established that such permittee has violated the provisions of the Act, the regulations or the conditions of the permit. Provisions are made for labelling containers and carriers transporting liquor and permittees handling liquors are required to keep records of such transactions.

Wine for Sacramental Purposes.—Provision is made for the manufacture, sale, transportation, importation, possession and distribution of wine for sacramental purposes upon obtaining a basic permit. No permit to purchase is required for separate transactions as in other instances. It is further provided that "No person to whom a permit may be issued to manufacture, transport, import, or sell wines for sacramental purposes or like religious rites shall sell, barter, exchange, or furnish any such to any person not a rabbi, minister of the gospel, priest, or an officer duly authorized for the purpose by any church or congregation, nor to any such except upon an application duly subscribed by him, which application, authenticated as regulations may prescribe, shall be filed and preserved by the seller. The head of any conference or diocese or other ecclesiastical jurisdiction may designate any rabbi, minister, or priest to supervise the manufacture of wine to be used for the purposes and rites in this section mentioned, and the person so designated may, in the discretion of the commissioner, be granted a permit to supervise such manufacture."

Prescription of Liquors for Medicinal Purposes.—Sec. 7. "No one but a physician holding a permit to prescribe liquor shall issue any prescription for liquor. And no physician shall prescribe liquor unless after careful physical examination of the person for whose use such prescription is sought, or if such examination is found impracticable, then upon the best information obtainable, he in good faith believes that the use of such liquor as a medicine by such person is necessary and will afford relief to him from some known ailment. Not more than a pint of spirituous liquor to be taken internally shall be prescribed for use by the same person within any period of ten days and no prescription shall be filled more than once." THE SUPPLEMENTAL PROHIBITION ACT, Sec. 2, fixes the same limitations with reference to the prescribing of vinous liquor and prohibits the prescribing of malt liquors.

Industrial Alcohol.—The title of the Act declares that one of its purposes is to insure an ample supply of alcohol and promote its use in scientific research and in the development of fuel, dye and other lawful industries. Title III provides for the manufacture and sale of industrial alcohol under the supervision of the Commissioner of Internal Revenue upon obtaining a permit and giving bond.

Miscellaneous Provisions.—Sec. 4 provides a penalty for the sale of alcohol, extracts or other preparations containing alcohol for beverage purposes. Sec. 19 makes it unlawful to solicit orders for intoxicating liquors or give any information concerning the means by which it may be obtained in violation of the Act. Sec. 20 gives to any person who shall be injured in person, property, or means of support by any intoxicated person or by reason of the intoxication of any person, whether resulting in his death or not, the right to recover actual and exemplary damages in a civil action. Sec. 30 declares that no person shall be excused on the ground that his testimony may tend to incriminate him from attending and testifying on behalf of the government with reference to any illegal transaction in liquor but grants to such person immunity from prosecution, except for perjury committed in so testifying. Sec. 37 permits manufacturers of cereal beverages to develop in such products during the process of manufacture an alcoholic content in excess of one-half of one per cent, provided the alcoholic content is reduced before it is withdrawn from the factory to less than one-half of one per cent. Sec. 2 of the SUPPLEMENTAL PROHIBITION ACT provides that "no spirituous liquor shall be imported into the United States nor shall any permit be granted authorizing the manufacture of any spirituous liquor save alcohol, until the amount of such liquor now in distilleries or other bonded warehouses shall have been reduced to a quantity that in the opinion of the Commissioner will with liquor that may thereafter be manufactured and imported, be sufficient to supply the current need thereafter for all non-beverage purposes." It also declares that "no vinous liquor shall be imported into the United States unless it is made to appear to the Commissioner that vinous liquor for such non-beverage use produced in the United States is not sufficient to meet such non-beverage needs."

See "Laws Relating to National Prohibition Enforcement with Questions and Answers Based on Titles I and II of the Prohibition Act of October 28, 1919," U. S. Bureau of Internal Revenue, January 1920. Also "Regulations 60, Relative to Intoxicating Liquor Issued by Prohibition Unit of the U. S. Bureau of Internal Revenue," Revised March, 1924.

The Supreme Court of the United States

EDITOR'S NOTE: This department of *THE CONGRESSIONAL DIGEST* began with Vol. 3, No. 1, and is devoted to a brief non-technical review of current decisions of the U. S. Supreme Court which are of general public interest. The June, 1923, number of *THE CONGRESSIONAL DIGEST* printed the provisions of the Constitution of the United States upon which the Judicial Branch of our Federal Government rests. This number contained an account of the U. S. Supreme Court and the system of inferior federal courts, the relation of the Judicial Branch to the Legislative and Executive Branches of the Federal Government, and the relation between the Federal Judiciary and the States. The U. S. Supreme Court, its present procedure and work, were also described.

The October, 1924 Term

October, 1924—June, 1925

THE Supreme Court of the United States convened its annual session at 12 o'clock, October 6, 1924. This term of the Court will continue until June, 1925. The 36 weeks of the annual term are divided into 19 weeks of argument and 17 weeks of recess for the purpose of writing opinions. The first recess this year will be from October 27 until November 17.

The full membership of the Court was present for the opening of the new term as follows: Chief Justice William Howard Taft; Associate Justices: Mr. McKenna, Mr. Holmes, Mr. Van Devanter, Mr. McReynolds, Mr. Brandeis, Mr. Sutherland, Mr. Butler, and Mr. Sanford.

The Court, headed by Chief Justice Taft and escorted by Attorney General Stone and Solicitor General Beck, was received at the White House by President Coolidge at the close of the first day's business. While no opinions were delivered on the first day, the Court was able to reduce the number of cases on the docket by promptly granting a number of motions and stipulations to dismiss which had accumulated since the last term. The Court announced all cases which had been advanced at the last session for hearing November 10, including some of the most important controversies before the Court, would not be heard before November 17.

The Docket

There are now 695 cases waiting decision. Of these 438 were brought over from the last term of the Court, which ended June 9. More than one-half of the cases filed since the last term are motions for writs of certiorari in unimportant issues which will be dealt with as soon as the Court can consider them.

When the Court adjourned last June it carried over under advisement fully submitted and ready for decision, 24 cases. On opinion day of October 13 a number of decisions were rendered by the Court including the following two important cases: No. 115. Terminal Railroad Association of St. Louis et al., appellants, *vs.* The United States of America et al. Appeal from the district court of the United States for the Eastern district of Missouri. Decree reversed and cause remanded for further proceedings in conformity with the opinion of this Court. Opinion rendered by Mr. Justice Butler, and No. 127. Ziang Sung Wan, petitioner, *vs.* The United States of America. On writ of certiorari to the Court of Appeals of the District of Columbia. Judgment reversed and cause remanded for further proceedings in conformity with the opinion of this Court. Opinion rendered by Mr. Justice Brandeis.

To end as far as possible the practice of keeping cases on the docket merely to prevent final adjustment of controversies, the Court will enforce a new rule under which cases passed at the request of counsel, when reached for argument, will not be reinstated for consideration at the same term except by order of the court after a showing has been made under oath of good cause.

A material change is noted in the character of the business scheduled to come before the Court. Not long ago the most important cases to reach the Court were brought under the antitrust laws. These gave way to railroad reorganizations and labor disputes, followed last term by prohibition and Japanese immigration. Now questions arising out of recent congressional investigations promise to be conspicuous. Various phases of the controverted power of Congress to delve into the accounts of business concerns are before the Court and to what extent manufacturers and others can be compelled to make reports which would disclose their business secrets will be determined.

On the original docket are several boundary disputes between the States.

On the appellate docket are cases which involve the authority of the Interstate Commerce Commission to fix tentative valuation of railroads; the right of Japanese in California to purchase agricultural land to be held in trust for their children born in this country; the validity of Milwaukee's minimum scale wage as applied to city employees; the legality of the city manager plan for Cleveland; the jurisdiction of federal courts in admitting aliens; the obligation of railroads to adopt improved mechanical devices; the right of States to impose inheritance, estate and income taxes under certain conditions; the jurisdiction of the Interstate Commerce Commission over interurban electric railways, and a large number of other cases.

Conference of U. S. Circuit Court Judges With The Chief Justice

THE third conference of senior circuit court judges with the Chief Justice was held at Washington, D. C., October 1-3, 1924, Chief Justice Taft presiding.

Each judge brought a detailed report on the condition of the docket in his own court, as well as in each of the district courts within his circuit.

U. S. Attorney General Stone discussed conditions in the Federal courts from the viewpoint of the Department

of Justice, recommending his plan of asking Congress to create a new class of Federal courts to handle prohibition and criminal cases of minor importance, which have largely contributed to the congested dockets in some of the districts.

The two former conferences of judges with the Chief Justice were held in December, 1922, and September, 1923, pursuant to the Act of Congress of Sept. 14, 1922.

Recent Government Publications of General Interest

The following publications issued by various departments of the Government may be obtained from the Superintendent of Documents, Government Printing Office, Washington, D. C.

Agriculture

AGRICULTURAL COOPERATION IN DENMARK; by Chris L. Christensen. (Department of Agriculture Bulletin No. 1266) *Price*, 15 cents.
History and development of Danish agriculture, dairy industry and cooperation, cooperative buying, agricultural credit, miscellaneous cooperative organizations.

FARMING THE LOGGED-OFF UPLANDS IN WESTERN WASHINGTON; by E. R. Johnson and E. D. Strait. (Department of Agriculture Bulletin No. 1236) *Price*, 10 cents.

History of agricultural development, clearing land, prices received for farm products, financial progress of settlers, dairy farming, poultry raising, mixed farming, financing operations, etc.

Boiler Tests

TESTS OF MARINE BOILERS; by Henry Kreisinger, and others. (Mine Bureau Bulletin No. 214) *Price*, 55 cents.
Tests of marine water-tube boilers, with index, tables, illus.

Building Materials Tests

TEST OF SOME GIRDER HOOPS; by Herbert L. Whitmore and Ambrose H. Stang. (Bureau of Standards Technologic Paper No. 260) *Price*, 10 cents.
Material, specimens, and method of testing, results, and discussion, with conclusions.

Census

FOURTEENTH CENSUS OF U. S. COMPENDIUM, DISTRICT OF COLUMBIA. *Price*, 10 cents.
Statistics of population, occupation, agriculture, and manufacturers for the District.

—STATE COMPENDIUM, MASSACHUSETTS. *Price*, 30 cents.
Statistics of population, occupation, agriculture, manufactures, and mines and quarries for the State, counties, and cities.

Cost of Living

COST OF LIVING IN U. S. (Labor Statistics Bulletin No. 357) *Price*, 45 cents.

Employers' Liability Laws

EMPLOYERS' LIABILITY LAWS. *Price*, 5 cents.
Includes laws from 59th Congress 1st Session to and including 68th Congress 1st Session.

Federal Trade Commission Report

REPORT OF THE FEDERAL TRADE COMMISSION ON THE GRAIN TRADE; Vol. IV, Middlemen's Profits and Margins. *Price*, 40 cents.
Country elevator results, costs and profits of terminal elevator merchandising, average margins between producer and consumer, with list of text tables and appendices.

Homing Pigeons

HOMING PIGEONS, THEIR CARE AND TRAINING; by Alfred R. Lee. (Farmers' Bulletin No. 1373, reprint) *Price*, 5 cents.
Selection of stock, mating, molting, feedings, sanitation, diseases, uses, etc.

Horticulture

APPLE SCALD AND ITS CONTROL; by Charles Brooks and others. (Farmers' Bulletin No. 1380, reprint) *Price*, 5 cents.
Appearance and characteristics of scald, effect of orchard conditions, temperature, delayed storage, losses from scale, with summary.

DISEASES OF APPLES ON THE MARKET; by D. H. Rose. (Department of Agriculture Bulletin No. 1253) *Price*, 5 cents.
Statistical study based on certificates issued by Food Products Inspection Service of Bureau of Agricultural Economics during period from Nov. 1, 1917, to July 1, 1921.

BLACKBERRY GROWING; by George M. Dartow. (Farmers' Bulletin No. 1399) *Price*, 5 cents.
Location of plantation, soils, propagation, planting, cultivation, harvesting, winter protection, insects and diseases, and blackberry by-products, etc.

INHERITANCE OF COMPOSITION IN FRUIT THROUGH VEGETATIVE PROPAGATION, BUT VARIANTS OF EUREKA AND LISBON LEMONS; by E. M. Chace, and others. (Department of Agriculture Bulletin No. 1255) *Price*, 5 cents.

MANAGING CHERRYBERRY FIELDS; by George M. Dartow, and others. (Farmers' Bulletin No. 1401) *Price*, 5 cents.
Control of insects and diseases, winter flooding, summer and fall flooding, fertilizers, weeding, pruning seasonal operations.

RELATION BETWEEN THE COMPOSITION OF CALIFORNIA CANTALOUPE AND THEIR COMMERCIAL MATURITY; by E. M. Chace, and others. (Department of Agriculture Bulletin No. 1250) *Price*, 5 cents.
California canteloupe industry.

RELATIVE RESISTANCE OF TREE SEEDLINGS TO EXCESSIVE HEAT; by Carlos G. Bates and Jacob Roeser, Jr. (Department of Agriculture Bulletin No. 1263) *Price*, 5 cents.
Description of experiments, with conclusions and literature cited.

Insect Pests

TABACCO FLEA-BEETLE IN DARK FIRE-CURED TOBACCO DISTRICT OF KENTUCKY AND TENNESSEE; by A. C. Morgan and J. U. Gilmore. (Farmers' Bulletin No. 1425) *Price*, 5 cents.

Economic importance, common names and habits, seasonal history, field injury, field control, summary of control measures for tobacco flea-beetle.

Land Economics

RELATION OF LAND INCOME TO LAND VALUE; by Clyde R. Chambers. (Department of Agriculture Bulletin No. 1224.) *Price*, 15 cents.
Anticipated rate of return on investments in farm lands, actual rate of return on such investments, etc., with appendix.

Leather Industry

SHOES, LEATHER AND HIDES IN GREAT BRITAIN; by Norman Hertz. (Special Series No. 226) *Price*, 25 cents.
Concentration of population, changes in British policy since 1914, British boot and shoe industry, organization within industry, miscellaneous leather manufactures, with appendix and index.

Livestock

FATTENING BEEF CALVES; by Sam H. Ray. (Farmers' Bulletin No. 1416) *Price*, 5 cents.

Marketing beef cattle at an earlier age, how to procure calves to be fattened as yearlings, type of calves suitable for fattening, management of farm breeding herd, fall or spring calves, equipment and shelter, etc.

Marketing

MARKETING CABBAGE; by Alexander E. Cance and George B. Fiske. (Department of Agriculture Bulletin No. 1242.) *Price*, 15 cents.
Commercial production, financing, packing, grading, and shipping, farm and commercial storage, use in kraut, distribution of the commercial crop, price tendencies, etc.

OPERATING METHODS AND EXPENSE OF COOPERATIVE CITRUS-FRUIT MARKETING AGENCIES; by A. W. McKay and W. Mackenzie Stevens. (Department of Agriculture Bulletin No. 1261) *Price*, 5 cents.

Organization of exchange system, harvesting operations and expense, packing-house operation, growers' receipts, expense of distribution, etc.

Metals

NICKEL AND ITS ALLOYS. (Bureau of Standards Circular No. 100, reprint) *Price*, 40 cents.

Nickel, alloys of nickel, and commercial alloys, with appendices.

Poultry

POULTRY ACCOUNTS; by Alfred R. Lee, and others. (Farmers' Bulletin No. 1427) *Price*, 5 cents.
Importance of keeping records, necessary blanks and forms, sample statements, etc.

Radio Stations

COMMERCIAL AND GOVERNMENT RADIO STATIONS OF UNITED STATES. Edition June 30, 1924. *Price*, 15 cents.
Commercial and stations, alphabetically by names of stations, commercial ship radio stations, alphabetically by names and vessels, broadcasting stations, alphabetically by names of stations, special land stations, alphabetically by names of stations, with appendix.

Taxation

DIGEST OF STATE LAWS RELATING TO TAXATION AND REVENUE, 1922. *Price*, \$1.00.
Compiled with relation to statistics of taxation and revenue published by the Bureau of the Census in connection with the decennial report on wealth, debt and taxation.

Telegraph

CENSUS OF ELECTRICAL INDUSTRIES, 1922. Telegraphs. *Price*, 5 cents.
Financial statistics, effect of change in monetary values, comparison of commercial land and ocean cable telegraph systems, commercial and railway land telegraph systems, Government telegraph and cable lines, and commercial wireless systems, with table and appendix.

*Pro—continued from p. 23*Dr. J. M. Doran—*continued*

mobile radiator antifreeze solution. It is estimated that approximately 1,000,000 gallons of this production has got on the market in the form of illicit beverages.

Thirty million wine gallons has been distributed as specially denatured alcohol under a permit and bond system administered through collectors of internal revenue. These special formulas, 72 in number, are adapted for the uses of hundreds of industries and the products made therefrom cover the entire industrial field. Between 8,000,000 and 9,000,000 wine gallons of this production have been distributed to the perfumery, cosmetic and toilet article trade. It is in these particular formulas that the greatest diversion of specially denatured alcohol occurs, although we have found that other and older formulas for specially denatured alcohol have been the subject of manipulations. From the very nature of the products in which these alcohols are to be used they are required to be free from denaturants of offensive odor. They, therefore, offer the most inviting field for the manipulator and illicit distiller. It is estimated that between three and four million gallons of these formulas have been diverted to illicit purposes.

The character of the samples examined in the unit's laboratory throughout the country, which are under my direction, also indicate the probable sources from which seized illicit liquors are obtained, inasmuch as it is practically impossible to so manipulate denatured alcohol of any formula, complete or special, so that residual quantities of denaturants can not be detected by an analytical chemist. Our observation, based upon the analyses of seized liquors of commercial alcohol origin, excluding wondrous liquors and those believed to be smuggled, is that they are manufactured from pure alcohol, completely denatured alcohol, or specially denatured alcohol in somewhat the proportions I have indicated.

A diversion of this quantity of alcohol—that is, between five and six million wine gallons—is a matter of serious concern, for in terms of whiskey it means something like 45,000,000 quarts.

A violator naturally seeks the means by which the easiest access may be had to alcohol. It is natural that he would seek to obtain material for illicit liquor production that was free of tax rather than tax paid. Procedures, that is, the obtaining of permits and procuring of alcohol, pure and denatured, under the permits that are commercially practicable and on which the very existence of these great industries depend are obviously open to the criminal as well as the honest man. A permit system that cannot be abused by a criminal would be impossible of operation under commercial conditions.

Practically all persons who make a primary business of diverting alcohol for manipulation and conversion into illicit liquors have a showing of legitimacy. They are numbered in many trades, they sell below cost, and carry on trade piracy, but outwardly they have a showing of legitimacy. To the extent that this bill consolidates permissive administration and places it in the hands of officers whose sole duty is the handling of this problem it should have a wholesome effect in the trades concerned. In my judgment the trades themselves are menaced more by unlawful acts which a dual field administration makes more difficult to control than from any other single cause. Any bill, therefore, that would strengthen field administration would benefit the trades. The fostering and control of industrial alcohol production and use is one of the three main problems arising out of the passage of the eighteenth amendment to the Constitution; its orderly administration is vital to our industries, and its entire control in one bureau becomes the logical means to secure the best results.—*End, see 3p. 35.*

*Con—continued from p. 18*James P. McGovern—*continued*

price of peace—the means of bringing to an end vicious, unwarranted and long-sustained attacks upon the Commissioner of Internal Revenue which have been inspired by frenzied "dry" with the object of fooling the public into believing that what is required is more drastic laws instead of such efficient enforcement of existing statutes by the Prohibition Commissioner (now clothed with ample authority) as would eliminate criminal activities and protect citizens in their lawful pursuits.

What a price to pay—the crippling of American chemical industry with resultant benefits to European competitors. In the forthcoming struggle for the world's markets, why should our own chemical industry be unnecessarily burdened with additional handicaps when everyone knows that Germany will follow the course which she has persistently pursued of encouraging, by every means in the power of its Government, the production and use of industrial alcohol?

In its social experiments surely our Government has not become totally indifferent to legitimate trade development, which makes for the prosperity and happiness of a nation.

The only effect of enactment of the Cramton bill would be to cut off absolutely and forever the guiding hands of the Commissioner of Internal Revenue and his trained deputies, collectors, etc. Until the government abandons its tax interest in liquors for non-beverage purposes, the logical place for the enforcement of all laws having to do with those products is the Bureau of Internal Revenue.

Unless so amended as to leave the administration of the lawful uses of all liquors and alcohol—pure and denatured—in the hands of the Commissioner of Internal Revenue, the Cramton bill should be defeated in the interest of nationally important chemical industries and orderly procedure of government.—*Extracts, see 3 p. 35.*

Sources From Which Material in This Number is Taken

Articles for which no source is given have been specially prepared for this number of *The Congressional Digest*.

- 1—Extracts from Congressional Record, 68th Congress, 1st Session, June 2, 1924.
- 2—Extracts from letter to the Hon. Lewis C. Cramton, reprinted in the National Association Retail Druggists' Journal, Oct. 5, 1924.
- 3—Extracts from Hearing before U. S. House Committee on the Judiciary, 68th Congress, 1st Session, on H. R. 6645, Mar. April, 1924.
- 4—Extracts from Congressional Record, 67th Congress, 1st Session, Nov. 15, 1921.
- 5—Extracts from Text of Gov. Smith's Memorandum Explaining his Approval of the Bill to Repeal the New York State Miller-Cage Law—June 1, 1923.
- 6—Extracts from Address of the late President Harding at Denver, Colorado, June 25, 1923, on "Law Enforcement."
- 7—Extracts from interview in New York Times, July 31, 1923.
- 8—Extracts from letter of Dr. Elton, President Emeritus of Harvard to Fred W. Smith, New York, Chairman of Committee of 1909 for Law Enforcement.
- 9—Extracts from Hearings before U. S. House Committee on the Judiciary, 68th Congress, 1st Session, on proposed modification of the prohibition law to permit manufacture, sale, and use of 2.75 per cent beverages, held April, May, 1924.
- 10—Extracts from Article entitled "General Welfare vs. State's Rights" in "Central Law Journal," Aug. 26, 1924.
- 11—Extracts from a Paper entitled "Shall America Go Back?" read before The National Woman's Christian Temperance Union, at Philadelphia, 1922.
- 12—Cases down to Jan. 2, 1921, from "Constitution of the United States" as amended to Jan. 1, 1923, (illustrated) with citations in cases of U. S. Supreme Court construing its several provisions (compiled by George Gordon Payne, under direction of Senator Charles Curtis, Chairman, Senate Committee on Rules), S. Doc. 96, 67th Cong., 2d Sess.
- 13—Extracts from an Address before the Institute of Arts and Sciences, Columbia University, New York City, October 15, 1924.
- 14—Extracts from Address at the annual dinner of the Milwood Society at New York, April 29, 1924.

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\$5.00 a Year

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